

TRANSPORTATION

Budget Summary							
Fund	2000-01 Base Year Doubled	2001-03 Governor	2001-03 Jt. Finance	2001-03 Legislature	2001-03 Act 16	Act 16 Change Over Base Year Doubled	
						Amount	Percent
GPR	\$0	\$1,266,300	\$233,600	\$233,600	\$233,600	\$233,600	N.A.
FED	1,221,135,200	1,376,387,700	1,404,099,800	1,404,099,800	1,404,099,800	182,964,600	15.0%
PR	3,456,600	12,322,200	12,322,200	10,322,200	9,822,200	6,365,600	184.2
SEG	2,350,921,000	2,494,510,900	2,486,412,600	2,491,059,400	2,489,719,400	138,798,400	5.9
SEG-L	136,442,200	150,515,400	144,821,500	145,071,500	145,071,500	8,629,300	6.3
SEG-S	301,771,200	326,064,600	324,035,500	324,035,500	324,035,500	22,264,300	7.4
TOTAL	\$4,013,726,200	\$4,361,067,100	\$4,371,925,200	\$4,374,822,000	\$4,372,982,000	\$359,255,800	9.0%

FTE Position Summary						
Fund	2000-01 Base	2002-03 Governor	2002-03 Jt. Finance	2002-03 Legislature	2002-03 Act 16	Act 16 Change Over 2000-01 Base
FED	951.05	951.55	951.55	951.55	951.55	0.50
PR	16.00	16.00	16.00	16.00	16.00	0.00
SEG	2,936.78	2,935.78	2,935.78	2,935.78	2,935.78	- 1.00
SEG-S	16.00	16.00	16.00	16.00	16.00	0.00
TOTAL	3,919.83	3,919.33	3,919.33	3,919.33	3,919.33	- 0.50

Budget Change Items

Transportation Finance

1. TRANSPORTATION FUND CONDITION STATEMENT [LFB Paper 895]

The following fund condition statement is based on transportation fund revenues and appropriations under Act 16 and the estimate that motor fuel tax rates will increase under statutory indexing provisions from 27.3 cents per gallon to 28.2 cents per gallon on April 1, 2002, and 28.8 cents per gallon on April 1, 2003.

	<u>2001-02</u>	<u>2002-03</u>
Unappropriated Balance, July 1	\$40,820,700*	\$29,647,600
Revenues		
Motor Fuel Tax	\$848,308,500	\$890,704,600
Vehicle Registration Fees	388,758,900	392,868,500
Less Revenue Bond Debt Service	-105,524,400	-117,429,800
Driver's License Fees	33,849,200	32,113,800
Miscellaneous Motor Vehicle Fees	16,840,500	19,347,600
Aeronautical Fees and Taxes	7,569,600	9,040,300
Railroad Property Taxes	12,139,200	12,710,600
Motor Carrier Fees	3,204,900	3,236,900
Investment Earnings	9,687,200	11,218,200
Miscellaneous Departmental Revenues	13,404,000	13,477,600
Total Annual Revenues	<u>\$1,228,237,600</u>	<u>\$1,267,288,300</u>
Total Available	\$1,269,058,300	\$1,296,935,900
Appropriations and Reserves		
DOT Appropriations	\$1,224,722,000	\$1,264,384,600
Other Agency Appropriations	18,840,100	20,060,800
Less Estimated Lapses	-7,364,700	-3,833,900
Compensation and Other Reserves	<u>3,213,300</u>	<u>8,175,700</u>
Net Appropriations and Reserves	<u>\$1,239,410,700</u>	<u>\$1,288,787,200</u>
Unappropriated Balance, June 30	\$29,647,600	\$8,148,700

*Actual opening balance. Enrolled Senate Bill 55 assumed an opening balance of \$33,614,600.

2. **FEDERAL HIGHWAY FORMULA AID** [LFB Paper 896]

Governor: Reestimate federal highway formula aid at \$545,556,900 in 2001-02 and \$560,681,000 in 2002-03. These amounts represent increases of \$14,668,100 in 2001-02 and \$29,792,200 in 2002-03 over the \$530,888,800 that the state is estimated to receive for federal fiscal year 2001. The following table shows, by appropriation, how the bill would allocate federal aid during 2001-03. The first column shows the base level for each appropriation, doubled to provide a biennial comparison. The base includes amounts appropriated by 1999 Act 9, totaling \$503,600,000, plus \$19,288,800 in additional 2001 federal highway aid that was allocated among these appropriations by the Joint Committee on Finance in December. The base does not include \$8,000,000 in additional 2001 federal highway aid that the Committee allocated to the local roads for job preservation program for making a grant to the City of Janesville, since this was a one-time expenditure. The second and third columns show the funding recommended by the Governor and the change to the base.

<u>Appropriation</u>	<u>Appropriation Base Doubled</u>	<u>2001-03 Governor</u>	<u>Change to Base Doubled</u>
Rail Passenger Service	\$7,350,800	\$6,654,500	-\$696,300
Local Bridge Improvement	52,576,400	0	-52,576,400
Local Transportation Facility Improvement	151,439,400	204,015,800	52,576,400
Transportation Enhancements Grants	13,460,400	13,460,400	0
Railroad Crossing Improvement	7,098,600	7,098,600	0
Surface Transportation Grants	5,440,000	5,440,000	0
Congestion Mitigation/Air Quality Improvement	24,997,000	24,997,000	0
Major Highway Development	115,897,000	115,897,000	0
State Highway Rehabilitation	631,364,200	648,060,500	16,696,300
Marquette Interchange Reconstruction	0	42,735,200	42,735,200
Highway Maintenance and Traffic Operations	2,388,000	2,388,000	0
Highway Administration and Planning	10,600,000	8,110,000	-2,490,000
Departmental Management and Operations	17,456,200	20,510,300	3,054,100
Motor Vehicle Emission Inspection and Maintenance	<u>5,709,600</u>	<u>6,870,600</u>	<u>1,161,000</u>
TOTAL	\$1,045,777,600	\$1,106,237,900	\$60,460,300

The changes shown in the third column reflect the following proposals: (a) adjustments to base and standard budget adjustments; (b) a reduction in the cost of funding the Hiawatha train service; (c) the combination of the local bridge improvement assistance program with the local transportation facility improvement assistance program; (d) the partial funding of inflationary increases for the state highway rehabilitation program with federal funds; (e) the funding of a portion of the costs of preliminary work for the reconstruction of the Marquette Interchange with federal highway formula funds; (f) the transfer of the responsibility for funding certain programs from DOT's Division of Transportation Infrastructure Development to the Division of Transportation Investment Management; and (g) the increase provided for the vehicle emission inspection and maintenance program to fund contract cost increases.

In some cases, the actual appropriation amounts are higher than the amounts shown in the table because certain programs receive federal funds other than federal highway formula funds. In the table, the amounts shown for the following appropriations are lower than the amounts in the appropriation schedule for this reason: (a) state highway rehabilitation program (in the second column only); (b) Marquette Interchange reconstruction (in the second column only); (c) highway administration and planning (in both the first and second columns); and (d) departmental management and operations (in both the first and second columns).

Joint Finance: Increase estimated federal highway aid by \$21,443,100 in 2001-02 and \$6,319,000 in 2002-03, based on a reestimate of federal highway trust fund revenues. Total federal highway formula aid would be estimated at \$567,000,000 annually.

Require DOT to submit a plan for adjusting the Department's appropriations if actual federal transportation aid received by the state differs from amounts estimated for the state biennial budget by more than 3%, instead of, under current law, more than 5%.

The following table shows the biennial distribution of federal highway aid under the Joint Committee on Finance's substitute amendment and compares this allocation to the appropriation base (doubled for purposes of comparison) and the Governor's recommendations. The changes to the Governor's allocation reflect the following: (a) a decision to provide additional federal aid for the Marquette Interchange project in the appropriation for southeast Wisconsin freeway reconstruction (\$21,443,100 in 2001-02 and \$6,319,000 in 2002-03); and (b) a decision to transfer FED funds from the appropriation for southeast Wisconsin freeway reconstruction to the appropriation for state highway rehabilitation in exchange for an equal amount of SEG funds to provide sufficient nonfederal funds for the Marquette Interchange reconstruction project to match all available federal funds for that project (\$5,700,900 in 2001-02 and \$7,010,900 in 2002-03).

<u>Appropriation</u>	<u>Joint Finance</u>	<u>Joint Finance Change to Base</u>	<u>Joint Finance Change to Governor</u>
Rail Passenger Service	\$6,654,500	-\$696,300	\$0
Local Bridge Improvement	0	-52,576,400	0
Local Transportation Facility Improvement	204,015,800	52,576,400	0
Transportation Enhancements Grants	13,460,400	0	0
Railroad Crossing Improvement	7,098,600	0	0
Surface Transportation Grants	5,440,000	0	0
Congestion Mitigation/Air Quality Improvement	24,997,000	0	0
Major Highway Development	115,897,000	0	0
State Highway Rehabilitation	660,772,300	29,408,100	12,711,800
Southeast Wisconsin Freeway Reconstruction*	57,785,500	57,785,500	15,050,300
Highway Maintenance and Traffic Operations	2,388,000	0	0
Highway Administration and Planning	8,110,000	-2,490,000	0
Departmental Management and Operations	20,510,300	3,054,100	0
Motor Vehicle Emission Inspection and Maintenance	<u>6,870,600</u>	<u>1,161,000</u>	<u>0</u>
TOTAL	\$1,134,000,000	\$88,222,400	\$27,762,100

* The appropriation in the Governor's bill for Marquette Interchange reconstruction was renamed "southeast Wisconsin freeway reconstruction" by the Joint Committee on Finance's substitute amendment.

Conference Committee/Legislature: The following table shows the distribution of federal highway aid in Act 16. Although the total estimated federal aid is the same as under the Joint Committee on Finance's substitute amendment, the distribution was modified slightly to reflect

a decision, adopted by the Assembly and included by the Conference Committee, to delete an item included in the Governor's budget that would have combined the local transportation facility improvement and local bridge improvement programs into one set of appropriations. In addition, a change adopted by the Assembly and included by the Conference Committee would change the name and purpose of the southeast Wisconsin freeway reconstruction appropriation to southeast Wisconsin freeway rehabilitation, which is also reflected in the table.

<u>Appropriation</u>	<u>Conf. Comm.</u>	<u>Conf. Comm. Change to Base</u>	<u>Conf. Comm. Change to Joint Finance</u>
Rail Passenger Service	\$6,654,500	-\$696,300	\$0
Local Bridge Improvement	52,576,400	0	52,576,400
Local Transportation Facility Improvement	151,439,400	0	-52,576,400
Transportation Enhancements Grants	13,460,400	0	0
Railroad Crossing Improvement	7,098,600	0	0
Surface Transportation Grants	5,440,000	0	0
Congestion Mitigation/Air Quality Improvement	24,997,000	0	0
Major Highway Development	115,897,000	0	0
State Highway Rehabilitation	660,772,300	29,408,100	0
Southeast Wisconsin Freeway Rehabilitation	57,785,500	57,785,500	0
Highway Maintenance and Traffic Operations	2,388,000	0	0
Highway Administration and Planning	8,110,000	-2,490,000	0
Departmental Management and Operations	20,510,300	3,054,100	0
Motor Vehicle Emission Inspection and Maintenance	<u>6,870,600</u>	<u>1,161,000</u>	<u>0</u>
TOTAL	\$1,134,000,000	\$88,222,400	\$0

Veto by Governor [B-103]: Delete the provision that would have required DOT to submit a plan for adjusting appropriations if the amount of federal transportation aid received by the state differs from estimated amounts by more than 3%, instead of, under current law, more than 5%.

[Act 16 Vetoed Section: 2305m]

3. REVENUE BONDING INCREASES [LFB Paper 897]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
BR	\$303,482,000	\$2,500,000	\$305,982,000

Governor: Provide increased revenue bonding authority of \$296,485,400 for major highway projects and administrative facilities. The increased authorization, along with \$94,670,600 in existing, unused bonding authorization, would be available for projects in the next two biennia. The amount provided reflects the intended use of bond proceeds under the major highway development program (\$122,270,800 in 2001-02 and \$125,406,800 in 2002-03) and for improvements to administrative facilities (\$4,377,300 in 2001-02 and \$6,000,000 in 2002-03). In addition, provide increased revenue bonding authority of \$6,996,600 for the reconstruction of the Marquette Interchange (with proposed uses of \$2,264,300 in 2001-02 and \$4,732,300 in 2002-03).

Specify that the amount of revenue bond proceeds used in the major highway development program may not exceed 53% of the total funds expended in each fiscal year, beginning in 2002-03. The bill would provide 53.9% of the program's funding with revenue bond proceeds in 2002-03, although the amount of bond funds used as a percentage of the amount of funds actually expended in any year may vary from the budgeted amounts. DOA indicates that the Governor intended that \$125,406,800 in revenue bond proceeds be used for the major highway development program in 2002-03, which is the basis for the amount of bonding authorized under this item. However, the bill would provide \$129,935,900 in that year. If the lower amount is used, then bonding proceeds would provide 53% of the program's funding in 2002-03.

Joint Finance/Legislature: Provide increased revenue bonding authority of \$9,496,600 for major highway projects and administrative facilities and delete \$6,996,600 in bonding authority for the Marquette Interchange reconstruction project to provide a total increase in bonding authority compared to the bill of \$2,500,000. These adjustments reflect decisions to transfer the total amount of bonding authority provided by the bill for the Marquette Interchange reconstruction project to the major highway development program and to increase the amount of bonding authority provided for the major highway development program.

Modify the Governor's provision related to bonding limits in the major highway development program by setting the limit at 55%, instead of 53%, and specifying that the limit would apply to encumbrances over any three consecutive fiscal years, beginning with the three-year period between 2002-03 and 2004-05, instead of applying to expenditures in each fiscal year, beginning in 2002-03.

Veto by Governor [B-104]: Delete the provision that would have established a bonding limit for the major highway development program of 55% of total encumbrances in the program for any three consecutive fiscal years.

[Act 16 Section: 2310]

[Act 16 Vetoed Sections: 2297 and 2309]

4. TRANSPORTATION FUND DEBT SERVICE REESTIMATE [LFB Paper 895]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
SEG-REV	-\$51,348,300	\$4,186,100	-\$47,162,200
SEG	-\$2,287,300	-\$1,236,600	-\$3,523,900

Governor: Decrease funding by \$1,085,700 SEG in 2001-02 and \$1,201,600 SEG in 2002-03 to reflect a reestimate of the level of funding needed for payment of principal and interest on existing transportation-related, general obligation bonds at \$5,595,400 in 2001-02 and \$5,479,500 in 2002-03.

In addition, estimate that gross vehicle registration revenue will be reduced by \$107,829,000 in 2001-02 and \$119,311,300 in 2002-03 in order to repay principal and interest on revenue bonds and associated short-term debt. These amounts represent increases of \$19,933,000 in 2001-02 and \$31,415,300 in 2002-03 from the estimated revenue reduction in the base year for revenue bond debt service. This estimate is based on the use of \$125,406,800 in revenue bond proceeds in the major highway development program in 2002-03, which is the amount that the Governor intended to be used for the program in that year, according to DOA. The actual amount provided by the bill for the program in that year is \$129,935,900. The statutes require that debt service payments on transportation-related, revenue bonds be deducted from vehicle registration revenues prior to their deposit in the transportation fund. Consequently, revenue bond debt service is shown as a reduction in revenues, not as an appropriation.

Joint Finance/Legislature: Decrease funding by an additional \$506,000 SEG in 2001-02 and \$730,600 SEG in 2002-03 to reflect a reestimate of the amount needed for debt service payments on existing transportation-related general obligation bonds.

Increase estimated transportation fund revenue by \$2,304,600 in 2001-02 and \$1,881,500 in 2002-03 to reflect a reduction in the amount of estimated transportation fund revenue bond debt service. This modification reflects a reestimate of the debt service on previously issued bonds and bonding provided for in the bill (revenue increases of \$2,332,100 in 2001-02 and \$1,981,700 in 2002-03) and a decision to adjust the amount of bonding used in the major highway development program (revenue decreases of \$27,500 in 2001-02 and \$100,200 in 2002-03).

5. DRIVER'S LICENSE AND VEHICLE REGISTRATION ABSTRACT FEES [LFB Paper 898]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Veto (Chg. to Leg)	Net Change
SEG-REV	\$6,883,400	\$460,000	-\$460,000	\$6,883,400

Governor: Increase the fee for driver record abstracts from \$3 to \$5 for each file search and each computerized search and from \$4 to \$6 for each search requested by telephone. Increase the amount that DOT must charge for copies of the operating record data base, or a portion of the data base, on a computer tape or other electronic media, from \$3 to \$5 for each file of vehicle operators' records contained in the tape or other electronic media. Increase the limit on the fee that DOT must charge for each file of uniform traffic citations or motor vehicle accidents contained in the tape or media from not more than \$3 to not more than \$5. Increase the fee for a notification under the employer notification program (for employers of commercial truck drivers) of any conviction or suspension, revocation, cancellation, disqualification or out-of-service order entered onto an employee's driver record file from \$3 to \$5. Specify that these increases would become effective on the first day of the seventh month beginning after the effective date of the bill. Increase estimated transportation fund revenue by \$2,283,200 in 2001-02 and \$4,600,200 in 2002-03 to reflect these fee increases and to reflect a planned increase in the fee for vehicle registration abstracts, which is established by administrative rule, from \$3 to \$5.

Joint Finance: Change the effective date of the fee increases recommended by the Governor from the first day of the seventh month beginning after the effective date of the bill to the first day of the sixth month beginning after the effective date of the bill.

Increase these fees by an additional \$0.20, effective on July 1, 2002. Increase estimated transportation fund revenue by \$460,000 in 2002-03 to reflect this additional increase.

Assembly: Modify the Joint Finance provision to increase the record abstract fees by only \$1 (from \$3 to \$4 in most cases), effective on the first day of the sixth month beginning after the effective date of the bill. Reduce estimated transportation fund revenue by \$1,141,600 in 2001-02 and \$2,760,100 in 2002-03.

Conference Committee/Legislature: Include the Joint Finance provision.

Veto by Governor [B-122]: Delete the provision that would have increased abstract fees by \$0.20, effective July 1, 2002. Reduce estimated transportation fund revenue by \$460,000 in 2002-03 to reflect this veto.

[Act 16 Sections: 3410, 3411, 3412, 3413, 3414 and 9452(2f)]

[Act 16 Vetoed Sections: 3410k, 3411k, 3412k, 3413k, 3414k and 9452(2f)]

6. TAX EXEMPTION FOR AIR CARRIERS WITH HUB TERMINAL FACILITIES [LFB Papers 899 and 900]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
SEG-REV	-\$3,750,000	-\$2,500,000	-\$6,250,000

Governor: Provide an exemption from Chapter 70 property taxes and from Chapter 76 state ad valorem taxes for all property owned by an air carrier company that operates a hub facility in Wisconsin, if the property is used in the operation of the air carrier company, effective with property assessed as of January 1, 2002.

Define an air carrier company as any person engaged in the business of transporting persons or property in aircraft for hire on regularly scheduled flights. Define a hub facility as either one of the following: (a) a facility from which an air carrier company operated at least 45 common carrier departing flights each weekday in the prior year and from which it transported passengers to at least 15 nonstop destinations or transported cargo to nonstop destinations; or (b) an airport or any combination of airports in Wisconsin from which an air carrier company cumulatively operated at least 20 common carrier departing flights each weekday in the prior year, if the air carrier company's headquarters is in the state. Require the Department of Revenue to promulgate an administrative rule defining "nonstop destinations" and "company headquarters" for the purposes of this provision. This provision would currently only apply to Midwest Express (including Skyway) and Air Wisconsin Airlines.

Repeal the existing, sum certain aeronautics assistance SEG appropriation and replace it with the following aeronautics activities appropriations, effective July 1, 2004: (a) a SEG appropriation of all moneys received from aeronautics taxes and fees; (b) a sum sufficient, SEG appropriation of not more than \$650,000 to supplement the funding under the all-moneys-received appropriation; and (c) a sum sufficient, GPR appropriation of not more than \$650,000 to supplement the funding under the all-moneys-received appropriation. Specify that revenue generated by the following taxes and fees would be credited to the all-moneys-received appropriation, effective July 1, 2004: (a) the ad valorem tax on air carriers; (b) aircraft registration fees; (c) the general aviation fuel tax; (d) sales and use taxes on noncommercial aircraft; and (e) any other tax or fee received from an aeronautical activity and deposited in the transportation fund. Specify that this appropriation would exclude those amounts appropriated from the following: (a) aeronautical assistance funds provided to the state by local units of government or other sources; (b) federal aeronautical assistance funds; and (c) funds received by DOT as payment for services associated with the Department's aircraft fleet. Transfer any unencumbered amounts in the current, sum certain appropriation for aeronautics assistance to the all-moneys-received appropriation immediately before July 1, 2004.

Require DOR, beginning by July 1, 2004, and every July 1 thereafter, to determine the total amount of sales and use taxes on noncommercial aircraft paid in the preceding calendar year and transfer that amount to the transportation fund. Currently, tax collections on the sale and use of noncommercial aircraft are deposited in the general fund.

Specify that an equal amount shall be appropriated in each of the two sum sufficient, supplemental aeronautical activities appropriations and that the sum of these amounts shall be equal to the difference between \$11.8 million and the amount of aeronautical taxes and fees credited to the all-moneys-received appropriation during the previous fiscal year, if the amount credited to the all-moneys-received appropriation was not more than \$11.8 million. In total, no

more than \$1.3 million could be provided in any fiscal year (\$650,000 GPR and \$650,000 SEG) to supplement the all-moneys-received appropriation. In the first year this funding mechanism is in place (2004-05), \$650,000 GPR and \$650,000 SEG would be appropriated in the supplemental appropriations, since no moneys would have been deposited in the all-moneys-received appropriation in 2003-04.

Create an Airport Financing Committee, with members appointed by the Governor representing: (a) the Department of Transportation; (b) the Department of Commerce; (c) airport managers; (d) airlines serving Wisconsin; (e) the general aviation community; (f) the people of Wisconsin; and (g) private businesses having an interest in transportation policy and financing. Specify that the Committee shall select its officers and that the person appointed chairperson shall call the Committee's first meeting. Require the Committee to review and evaluate the state's airport system needs and the current system of funding those needs and to recommend changes, if any, to better meet those needs. Require the Committee to review, among other things: (a) aircraft registration fees; (b) aviation fuel taxes and fees; (c) allocation of sales tax receipts from the sale of aircraft, parts and services to the aeronautical activities appropriation created by the bill; and (d) the allocation of other moneys to this appropriation. Specify that the Committee's recommendations would be required, if enacted, to generate revenue in amounts equal to or greater than the sum of moneys appropriated for aeronautical activities in 2001-02. Require the Committee to submit a report containing its evaluation, findings and recommendations to the Governor and Legislature not later than December 31, 2002.

Reduce estimated transportation fund revenue by \$1,250,000 in 2001-02 and \$2,500,000 in 2002-03 to reflect the ad valorem tax exemption. The ongoing, annualized transportation fund revenue loss is estimated at \$2.5 million, although this amount would change as the amount of property subject to the exemption changes. The remaining fiscal impacts of this item would first occur in the 2003-05 biennium, when the sales and use tax revenue on the sale of noncommercial aircraft would be transferred from the general fund to the transportation fund and the existing aeronautics assistance appropriation would be replaced by the three new aeronautical activities appropriations, including a GPR appropriation. DOR estimates that sales and use taxes on the sale of noncommercial aircraft generated \$3.34 million in calendar year 2000. However, based on historical patterns, sales of noncommercial aircraft and, therefore, tax collections from such sales, can be expected to fluctuate considerably from year to year.

Joint Finance/Legislature: Change the initial applicability date of the proposed ad valorem tax exemption from property assessed as of January 1, 2002, to property assessed as of January 1, 2001. Reduce estimated transportation fund revenue by \$2,500,000 in 2001-02 to reflect this change. Under this change, exempt airlines would receive a refund of their May, 2001, payment (made in fiscal year 2000-01) in fiscal year 2001-02.

Delete the provisions related to the funding of the aeronautics assistance program, including the creation of new appropriations for aeronautical activities and the transfer of the sales and use tax revenue from the sale of noncommercial aircraft to the transportation fund.

Instead, create a sum sufficient, GPR appropriation for making a transfer to the transportation fund, beginning on July 1, 2004, and on July 1 of every fiscal year thereafter. Specify that the amount in this transfer appropriation shall be the total amount of the ad valorem tax that was paid by each exempt air carrier company in the most recent taxable year that the air carrier company paid the tax. Based on calendar year 2000 tax payments made by Midwest Express and Air Wisconsin Airlines, this would result in annual transfers from the general fund to the transportation fund of \$2,530,400, beginning in 2004-05. Require DOR to determine this amount by July 1, 2004, and every July 1, thereafter. Modify the provisions creating an Airport Financing Study Committee to delete references to the new aeronautical activities appropriations that would be deleted by this action.

[Act 16 Sections: 937m, 1123m, 2110, 2231, 2236m, 2255, 9152(3) and 9344(12)]

7. LOCAL ROADS FOR JOB PRESERVATION DEBT SERVICE [LFB Paper 901]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
GPR	\$1,266,300	- \$1,032,700	\$233,600
BR	0	- 8,000,000	- 8,000,000
Total	\$1,266,300	- \$9,032,700	- \$7,766,400

Governor: Estimate GPR debt service on bonds issued under the local roads for job preservation program at \$389,500 in 2001-02 and \$876,800 in 2002-03. Under this program, DOT is authorized to make a total of \$10,000,000 in grants for the development, construction, repair or improvement of a local road that DOT determines, subject to certain criteria, is necessary to support business and retain jobs in the vicinity of the local road. The estimate in this item assumes that the full \$10,000,000 in general fund-supported general obligation bonding that has been authorized for the program will be issued during the biennium. However, the Joint Committee on Finance allocated \$8,000,000 in federal highway funds to the program in December for making a grant to the City of Janesville. Since the total amount of grants that DOT may award is capped at \$10,000,000, only \$2,000,000 in additional grants could be made. DOT anticipates that \$2,000,000 in bonds will be issued to make a grant to the City of Beloit in 2000-01.

Joint Finance/Legislature: Reduce funding by \$329,800 in 2001-02 and \$702,900 in 2002-03 to reflect a reestimate of debt service payments on bonds issued under the program. Delete \$8,000,000 in bonding authorization to reduce the total amount of bonding authorization for the program to \$2,000,000.

[Act 16 Section: 971m]

8. CREATION OF TRANSPORTATION FUND ACCOUNTS

Assembly: Create five separate accounts within the transportation fund, effective July 1, 2003, as follows: (a) the state and local highways account; (b) the public transportation account; (c) the aeronautics account; (d) the multimodal account; and (e) the operations account. Establish provisions for the accounts as follows:

State and local highways account. Specify that moneys in the state and local highways account may be expended only for purposes related to highways, bridges, motor vehicles, state planning and research for any transportation mode and for any sidewalk, pedestrian walkway, bikeway, railroad crossing and bus lane that is constructed as part of a highway project. Provide an exception to this restriction for moneys transferred to the multimodal and operations accounts under a procedure for establishing moneys in those accounts (summarized below under *multimodal and operations account transfers*). Specify that except for this exception and for the construction of any sidewalk, pedestrian walkway, bikeway, railroad crossing and bus lane that is constructed as part of a highway project, no moneys may be expended from the state and local highways account for any purpose specified for the other four accounts.

Specify that the state and local highways account shall consist of transportation fund revenue from the following sources: (a) all moneys collected by DOT that are deposited in the transportation fund, except for moneys related to aeronautics purposes or public transportation purposes; (b) the motor fuel tax minus an amount generated by four cents per gallon of the fuel tax and excluding the general aviation fuel tax; (c) the rental vehicle fee; (d) moneys paid into the state treasury by any local unit of government or other sources for highway purposes; (e) the portion of commercial motor vehicle overweight and oversize forfeitures that is deposited in the transportation fund under current law; (f) occupational license fees paid to a clerk of circuit court by a person whose license is revoked as a habitual traffic offender; (g) moneys collected by the Department of Commerce and deposited in the transportation fund from titling fees for certain mobile homes; (h) all federal aid for highways; (i) a percentage of investment income that is attributable to moneys in the state and local highways account; (j) all moneys that are transferred from other funds that are not moneys in the public transportation, aeronautics or multimodal accounts; and (k) moneys transferred from the general fund equal to a specified percentage of the sales and use tax on motor vehicles.

Specify that the following appropriations shall be made from the state and local highways account: (a) the SEG appropriations for general transportation aids; (b) the SEG appropriations for local aids for connecting highways, lift bridges, county forest roads and expressway policing; (c) the SEG (where applicable), SEG-L and FED appropriations for local transportation facility improvement assistance and local bridge assistance, including accelerated local bridge improvement assistance; (d) the SEG appropriation for the local roads improvement program; (e) the FED appropriation for the local roads for job preservation program; (f) the SEG appropriation for railroad crossing repair assistance; (g) the SEG, SEG-L, SEG-S (where applicable) and FED appropriations for state highway rehabilitation, southeast Wisconsin freeway rehabilitation, major highway development, state highway maintenance and traffic

operations and administration and planning; (h) the SEG appropriation for disadvantaged business mobilization assistance; (i) the SEG-S appropriation for telecommunication services; (j) a new, sum sufficient SEG appropriation for debt service on general obligation bonds issued for highway facilities (split from a current appropriation for debt service on general obligation bonds issued for highway, rail and harbor improvements); (k) the SEG appropriation for extrication training grants; (L) the SEG appropriation for the pretrial intoxicated driver intervention grant program; (m) a new FED appropriation for highway safety programs (split from the FED appropriation for departmental management and operations); (n) a new, annual SEG appropriation for motorcycle safety and to match federal funds for mass transit planning (split from the SEG appropriation for departmental management and operations); (o) the FED appropriation for highway safety, local assistance; (p) the SEG-L appropriation for remitting local option registration fee revenue collected by the Department to the applicable local government; (q) the SEG appropriations in the Department of Revenue for the administration of the motor fuel tax and the rental vehicle fee; (r) the SEG appropriations for making transfers to the conservation fund for the motorboat, snowmobile and all-terrain vehicle formulas; and (s) the SEG appropriation in the Department of Commerce for the administration of mobile home titling.

Public transportation account. Specify that moneys in the public transportation account may be expended only for activities related to mass transit systems, common carriers of passengers other than by air, fixed guideways, railroads, harbors and other maritime activities and specialized transportation services for the elderly or disabled. Provide an exception to this restriction for moneys transferred to the multimodal and operations accounts under the procedure for establishing moneys in those accounts (summarized below under *multimodal and operations account transfers*). Specify that except for this exception, no moneys may be expended from the public transportation account for any purpose specified for the other four accounts.

Specify that the public transportation account shall consist of transportation fund revenues from the following sources: (a) all moneys collected by DOT that are deposited in the transportation fund that are related to public transportation purposes; (b) revenue generated by four cents of the rate per gallon of the motor fuel tax; (c) the ad valorem tax on railroad companies; (d) moneys paid into the state treasury by any local unit of government or other sources for public transportation purposes; (e) moneys forwarded by county treasurers to the state treasurer and deposited in the transportation fund from railroad crossing improvement assessments imposed for violations of certain motor vehicle laws related to railroad crossings; (f) all federal aid for public transportation purposes, including railroads, but excluding aeronautics; (g) a percentage of investment income that is attributable to moneys in the public transportation account; and (h) all moneys that are transferred from other funds for purposes for which moneys may be expended from the public transportation account.

Specify that the following appropriations shall be made from the public transportation account: (a) the SEG appropriations for transit operating aids; (b) the FED and SEG-L appropriations for transit and transportation employment and mobility aids; (c) the SEG appropriation for transportation employment and mobility; (d) the SEG, SEG-L and FED

appropriations for elderly and disabled capital aids and county aids; (e) the SEG appropriations for Milwaukee urban rail transit system planning study and urban rail transit system grants; (f) the SEG appropriation for freight rail infrastructure improvement assistance and the SEG-L appropriation for freight rail assistance loan repayments; (g) the SEG, SEG-L and FED appropriations for rail passenger service and rail service assistance; (h) the SEG and SEG-L appropriations for passenger railroad station improvement grants; (i) the SEG appropriation for harbor assistance; (j) a new, sum sufficient SEG appropriation for debt service on general obligation bonds issued for rail and harbor improvements (split from a current appropriation for debt service on general obligation bonds issued for highway, rail and harbor improvements); (k) the SEG, SEG-L and FED appropriations related to railroad crossing improvements and signal maintenance; (L) the SEG appropriation for the terminal tax distribution; (m) a new, annual SEG appropriation in the Department of Revenue for the costs of administering ad valorem tax on railroads (split from an appropriation for the administration of the ad valorem taxes on railroads and air carriers); and (n) the appropriation for making a transfer of \$100,000 annually from the transportation fund to the general fund.

Aeronautics account. Specify that moneys in the aeronautics account may be expended only for purposes related to aeronautics. Provide an exception to this restriction for moneys transferred to the multimodal and operations accounts under the procedure for establishing moneys in those accounts (summarized below under *multimodal and operations account transfers*). Specify that except for this exception, no moneys may be expended from the aeronautics account for any purpose specified for the other four accounts.

Specify that the aeronautics account shall consist of transportation fund revenues from the following sources: (a) all moneys collected by DOT that are deposited in the transportation fund that are related to aeronautics purposes; (b) general aviation fuel taxes; (c) the ad valorem tax on air carrier companies; (d) moneys transferred from the general fund to reimburse the transportation fund for the air carrier hub facility exemption (effective in 2004-05); (e) moneys paid into the state treasury by any local unit of government or other sources for aeronautics purposes; (f) all federal aid for aeronautics purposes; (g) a percentage of investment income that is attributable to moneys in the aeronautics account; and (h) all moneys that are transferred from other funds for purposes for which moneys may be expended from the aeronautics account.

Specify that the following appropriations shall be made from the aeronautics account: (a) the SEG, SEG-L and FED appropriations for aeronautics assistance; (b) the SEG appropriation for the aviation career education program; (c) a new, annual SEG appropriation for aircraft registration (a function removed from the SEG appropriation for the Division of Motor Vehicles); and (d) a new, annual SEG appropriation in the Department of Revenue for the costs of administering the ad valorem tax on air carriers (split from an appropriation for the administration of the ad valorem taxes on railroads and air carriers).

Multimodal account. Specify that moneys in the multimodal account may be expended only for activities related to multimodal transportation and specify that no moneys may be

expended from this account for any purpose specified for the other accounts, unless the purpose relates to multimodal transportation.

Specify that the multimodal account shall consist of transportation fund revenues from the following sources: (a) all federal aid for multimodal purposes; (b) moneys paid into the state treasury by any local unit of government or other sources for multimodal purposes; (c) all gifts, grants or bequests made to the transportation fund; (d) all moneys that are transferred from other funds for purposes for which moneys may be expended from the multimodal account; (e) any moneys that are not otherwise specified for the other four accounts; and (f) transfers from the state and local highways, public transportation and aeronautics accounts under the procedure for transferring moneys from these accounts to the multimodal account (summarized under *multimodal and operations account transfers*).

Specify that the following appropriations shall be made from the multimodal account: (a) the SEG and FED appropriations for multimodal transportation studies; (b) the SEG, SEG-L and FED appropriations for transportation facilities economic assistance and development and the SEG-L appropriation for transportation facility improvement loans; (c) the FED and SEG-L appropriations for the congestion mitigation and air quality improvement and transportation enhancements programs; (d) the SEG, SEG-L and FED appropriations for surface transportation grants; (e) the FED appropriation for the Milwaukee lakeshore walkway; (f) the SEG appropriation for gifts and grants; and (g) new SEG, SEG-L and FED appropriations for the hazard elimination program (split from the appropriations for state highway rehabilitation and departmental management and operations). Specify that hazard elimination activities, as defined under federal law, may not be funded from the appropriations for state highway rehabilitation.

Operations account. Specify that moneys in the operations account may be expended only for operations of the Department, including the State Patrol and the Division of Motor Vehicles.

Specify that the operations account shall consist of transportation fund revenues from the following sources: (a) all federal aids for transportation purposes that are not specified for the other four accounts; (b) moneys paid into the state treasury by any local unit of government or other sources for transportation purposes that are not specified for the other four accounts; and (c) transfers from the state and local highways, public transportation and aeronautics accounts under the procedure for transferring moneys from these accounts to the operations account (summarized under *multimodal and operations account transfers*).

Specify that the following appropriations shall be made from the operations account: (a) the SEG, SEG-L and FED appropriations for departmental management and operations; (b) the SEG and FED appropriations for vehicle registration and driver licensing (DMV, with a modification to remove the aircraft registration function); (c) the SEG and FED appropriations for motor vehicle emission inspection and maintenance; (d) the SEG and FED appropriations for vehicle inspection, traffic enforcement and radio management (State Patrol); (e) the SEG-S (bonding) appropriation for capital building projects; (f) the SEG-S (service center) appropriations for data processing services, fleet operations and other department services,

operations; (g) the SEG appropriations for equipment acquisition, operating budget supplements and minor construction projects; (h) the SEG appropriation for debt service payments on general obligation bonds issued for buildings; and (i) the SEG-S appropriation in DOA for making grants to local units of government for transportation planning using federal highway funds transferred from DOT.

Multimodal and operations account transfers. Require the DOA Secretary, no later than 30 days after the enactment of the biennial budget act, for the first fiscal year of the fiscal biennium, and no later than August 1 of the second fiscal year of the fiscal biennium to do the following for the purposes of establishing revenues in the multimodal and operations accounts: (a) estimate the anticipated SEG revenues in the state and local highways, public transportation and aeronautics accounts for the applicable fiscal year, calculate a sum of these amounts and determine a percentage that each account represents of the sum; (b) transfer moneys in an amount to the multimodal account equal to the total amount of SEG moneys appropriated from that account in the applicable year, minus the anticipated amount of SEG revenues deposited in that account, from the state and local highways, public transportation and aeronautics accounts in proportion to the percentage that anticipated SEG revenues in each of those three accounts comprises of the sum of the SEG revenues in the three accounts; and (c) make the following transfers of moneys to the operations account: (1) an amount of SEG revenues from the state and local highways account equal to the SEG amounts appropriated in the applicable fiscal year for the activities of the Division of Motor Vehicles and the State Patrol; and (2) an amount of SEG revenues from the state and local highways, public transportation and aeronautics accounts equal to the total amount of SEG moneys appropriated in the applicable fiscal year from the operations account, less SEG amounts appropriated for the activities of the Division of Motor Vehicles and the State Patrol, in proportion to the percentage that anticipated SEG revenues in each of the three accounts from which the transfer would be made comprises of the sum of the SEG revenues in the three accounts. Specify that the Secretary of DOT may, at any time during a fiscal year, request that the DOA Secretary make a recalculation for the purpose of reestimating anticipated revenues, calculating any amounts, or, if required, transferring additional amounts to the multimodal or operations accounts. Require the DOA Secretary to adjust transfers according to any such recalculation.

Other provisions. Specify that the general provisions establishing clearing account appropriations in the Department of Transportation may be used by any of the five accounts if the applicable expenditure limitations for that account are complied with. Make several statutory modifications, consistent with the revenue and appropriation provisions for each account, to clarify which account is the funding source for various transportation programs and into which account various taxes and fees shall be deposited. Create, in the statutes, a Division of Motor Vehicles for the purposes of these provisions.

Conference Committee/Legislature: Delete provision.

9. TRANSFER OF SALES TAX ON MOTOR VEHICLE SALES TO THE TRANSPORTATION FUND

Assembly: Require DOR, beginning on July 1, 2004, and on each July 1 thereafter, to determine the amount of revenue generated by the tax on the sale and use of motor vehicles in the preceding calendar year. Specify that a percentage of the annual amount shall be transferred to the transportation fund, beginning with 10% on July 1, 2004, and increasing by ten percentage points every July 1 thereafter until 100% of the annual amount is transferred to the transportation fund on July 1, 2013, and on each July 1 thereafter. Create a sum sufficient, GPR appropriation for transferring the amounts computed by DOR to the transportation fund. It is estimated that the sales and use tax on motor vehicles will generate \$403 million in 2001.

Conference Committee/Legislature: Delete provision.

Local Transportation Aid

1. GENERAL TRANSPORTATION AID -- FUNDING LEVEL [LFB Paper 905]

	Governor (Chg. to Base)	Jt. Finance (Chg. to Gov)	Legislature (Chg. to JFC)	Net Change
SEG	\$27,075,000	- \$7,801,800	\$3,589,800	\$22,863,000

Governor: Increase funding for general transportation aids as follows:

a. County Aid. Provide \$2,269,600 in 2001-02 and \$4,859,500 in 2002-03 to provide a total of \$86,329,100 in 2001-02 and \$88,919,000 in 2002-03. Set the calendar year distribution at \$88,598,700 for calendar year 2002 and \$89,239,300 for calendar year 2003 and thereafter. This represents a 5.4% increase for calendar year 2002 and a 0.7% increase for calendar year 2003.

b. Municipal Aid. Provide \$6,611,500 in 2001-02 and \$13,334,400 in 2002-03 to provide a total of \$271,073,000 in 2001-02 and \$277,795,900 in 2002-03. Set the calendar year distribution at \$277,684,500 for calendar year 2002 and \$277,907,200 for calendar year 2003 and thereafter. This represents a 5.0% increase for calendar year 2002 and a 0.1% increase for calendar year 2003.

Establish the mileage aid rate at \$1,747 for calendar year 2001 and \$1,790 for calendar year 2002 and thereafter. Because the general transportation aid formula would continue to be suspended for calendar year 2001, with aid payments equaling the amounts received under the transportation aid formula for calendar year 2000, an increase in the 2001 mileage aid rate would have no effect on calendar year 2001 aid payments. The calendar year 2002 mileage aid

rate represents a 5.0% increase over the current law mileage aid rate of \$1,704. Repeal the statutory references to previous calendar year mileage aid rate amounts.

Joint Finance: Decrease funding by \$1,008,700 in 2001-02 and \$1,471,900 in 2002-03 for counties and \$2,644,600 in 2001-02 and \$2,676,600 in 2002-03 for municipalities to provide an increase in general transportation aid of 3% in 2002 and 2% in 2003. Set the calendar year distributions at \$86,581,300 for 2002 and \$88,312,900 for 2003 and thereafter for counties and \$272,395,300 for 2002 and \$277,843,200 for 2003 and thereafter for municipalities. Establish the mileage aid rate at \$1,704 for calendar year 2001, \$1,755 for calendar year 2002 and \$1,790 for calendar year 2003 and thereafter.

Senate/Legislature: Increase funding by \$865,900 in 2002-03 for counties and \$2,723,900 in 2002-03 for municipalities to provide an increase in general transportation aid of 3% in 2002 and 4% in 2003. Set the calendar year distributions at \$86,581,300 for 2002 and \$90,044,600 for 2003 and thereafter for counties and \$272,395,300 for 2002 and \$283,291,100 for 2003 and thereafter for municipalities. Establish the mileage aid rate at \$1,704 for calendar year 2001, \$1,755 for calendar year 2002 and \$1,825 for calendar year 2003 and thereafter. Suspend the general transportation aid formula for calendar years 2002 and 2003 and provide each county and municipality with a percentage increase in aid equal to 3% in 2002 and 4% in 2003.

Veto by Governor [B-92]: Delete the provision that would have suspended the general transportation aid formula for calendar years 2002 and 2003 and instead would have provided each county and municipality with a percentage increase in aid equal to 3% in 2002 and 4% in 2003

[Act 16 Sections: 2341 thru 2345]

[Act 16 Vetoed Sections: 2345m and 2345n]

2. GRANTS TO LOCAL PROFESSIONAL FOOTBALL STADIUM DISTRICTS [LFB Paper 906]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
SEG-REV	\$0	\$205,000	\$205,000
SEG	\$9,100,000	\$0	\$9,100,000

Governor: Provide \$9,100,000 in 2001-02 for the purpose of awarding grants to a local professional football stadium district. Create an annual appropriation for the purpose of awarding the grants. Specify that the appropriation would be repealed effective July 1, 2002. Provide DOT the site of the authority to award grants to a local professional football stadium district and specify that this authority would not apply after June 30, 2002. The Green Bay-

Brown County Professional Football Stadium District would be the only district eligible for the grant. The bill would not restrict the stadium district's use of the grant.

Joint Finance: Specify that the grants to a local professional football stadium district could only be used for the development, construction, reconstruction or improvement of parking lots, garages, transportation facilities or other functionally-related or auxiliary facilities or structures on the site of the existing parking lot facility of a professional football stadium.

Require DOT to provide the \$9.1 million grant to the local professional football stadium district in January, 2002. Require the local professional football stadium district to provide the entire \$9.1 million in grant proceeds to a professional football team to be used for the purposes specified within 30 days of receiving the grant funds. Increase estimated transportation fund revenue by \$205,000 in 2001-02 to reflect additional investment earnings due to the delayed payment.

Senate: Delete the provision adopted by the Joint Committee on Finance that would require the local professional football stadium district to provide the entire \$9.1 million in grant proceeds to a professional football team to be used for the purposes specified within 30 days of receiving the grant funds.

Require DOT to provide the \$9.1 million grant to the local professional football stadium district in January, 2003, rather than January, 2002. Increase estimated transportation fund revenue by \$205,000 annually to reflect additional investment earnings due to the delayed payment. Further, provide \$410,000 SEG in 2002-03 for grants to Brown County, the City of Green Bay and the Village of Ashwaubenon to reimburse a portion of the costs associated with the CTH VK/Lombardi Avenue project. Create a sum certain appropriation for purposes of making the grants and require DOT to divide the grant funds in proportion to the project costs borne by each of the governmental units. Require DOT to award the grants in January, 2003. Repeal both the local professional football stadium grant appropriation and the appropriation for the grants to the three local governments on July 1, 2003.

Conference Committee/Legislature: Retain the Joint Finance provision that would require the Department to make the \$9.1 million grant to a local professional football stadium district in January, 2002. Also, require the Department to provide \$410,000 from the transportation facilities economic assistance (TEA) grant program in 2001-02 for grants to Brown County, the City of Green Bay and the Village of Ashwaubenon to reimburse a portion of the costs associated with the CTH VK/Lombardi Avenue project. Require DOT to divide the grant funds in proportion to the project costs borne by each of the governmental units. Require DOT to award the grants in January, 2002. Specify that the current law provisions related to grants made under the TEA program, including the required local match, would not apply to these grants.

Veto by Governor [B-98]: Delete the provisions that would have required DOT to award grants totaling \$410,000 in January, 2002, to Brown County, the City of Green Bay and the

Village of Ashwaubenon to reimburse a portion of the costs associated with the CTH VK/Lombardi Avenue project.

[Act 16 Sections: 636, 637, 9152(4) and 9452(6)]

[Act 16 Vetoed Section: 9152(4v)]

3. MASS TRANSIT OPERATING ASSISTANCE -- FUNDING LEVEL [LFB Paper 907]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
SEG	\$4,650,200	\$484,000	\$5,134,200

Governor: Provide \$2,325,100 annually to provide a 2.5% increase in funding, beginning in 2001-02, over the base year level. The funding would be distributed as follows: (a) \$1,338,900 annually for Tier A-1 transit systems; (b) \$357,400 annually for Tier A-2 transit systems; (c) \$495,100 annually for Tier B transit systems; and (d) \$133,700 annually for Tier C transit systems. Set the calendar year distribution amounts for 2001 and thereafter at \$54,894,500 for Tier A-1, \$14,655,000 for Tier A-2, \$20,299,300 for Tier B and \$5,482,800 for Tier C. Replace references to the 1990 decennial census used in determining which systems are in Tier B and Tier C with references to the 2000 decennial census. Repeal statutory references relating to aid payments to Tier A-1 and Tier A-2 systems for previous calendar years.

Joint Finance: Decrease funding by \$1,394,900 in 2001-02 and increase funding by \$1,878,900 in 2002-03 to provide an increase in mass transit aid of 4% in calendar year 2002 and 2% in calendar year 2003. Set the calendar year distributions for each tier as follows: (a) \$55,697,800 for 2002 and \$56,811,800 for 2003 and thereafter for Tier A-1; (b) \$14,869,500 for 2002 and \$15,166,900 for 2003 and thereafter for Tier A-2; (c) \$20,596,400 for 2002 and \$21,008,300 for 2003 and thereafter for Tier B; and (d) \$5,563,100 for 2002 and \$5,674,400 for 2003 and thereafter for Tier C.

Specify that for the purposes of determining which systems are in Tier B and Tier C, the 1990 census shall be used for calendar year 2001 aid payments, with the 2000 census used for calendar year 2002 payments and thereafter.

Senate: Increase funding by \$241,700 in 2002-03 to provide an increase in mass transit aid of 4% in calendar year 2002 and 3% in calendar year 2003. Set the calendar year distributions for each tier as follows: (a) \$55,697,800 for 2002 and \$57,368,700 for 2003 and thereafter for Tier A-1; (b) \$14,869,500 for 2002 and \$15,315,600 for 2003 and thereafter for Tier A-2; (c) \$20,596,400 for 2002 and \$21,214,300 for 2003 and thereafter for Tier B; and (d) \$5,563,100 for 2002 and \$5,730,000 for 2003 and thereafter for Tier C.

Assembly: Reduce funding by \$100,000 annually for mass transit operating assistance and create a sum certain appropriation from the segregated transportation fund for the transfer

of \$100,000 annually to the general fund. Allocate the funding reductions for mass transit operating assistance as follows: (a) \$57,600 annually from Tier A-1; (b) \$15,400 annually from Tier A-2; (c) \$21,300 annually from Tier B; and (d) \$5,700 annually from Tier C.

Conference Committee/Legislature: Retain Joint Finance provision.

[Act 16 Sections: 2323 thru 2327m]

4. SUPPLEMENTAL MASS TRANSIT AIDS [LFB Paper 908]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
SEG	\$3,237,500	- \$3,237,500	\$0

Governor: Provide \$3,237,500 in 2002-03 to provide supplemental mass transit aid amounts to transit system applicants that meet specified annual cost requirements. Create four continuing appropriations for the purpose of providing supplemental mass transit aid to eligible applicants within the following four types of systems: \$2,361,900 for Tier A-1 and Tier A-2 systems, \$689,400 for Tier B bus systems, \$68,300 for Tier C bus systems and \$117,900 for applicants served exclusively by a shared-ride taxi system. The funding provided for this program would equal 3.4% of the amount established under the bill for basic mass transit operating assistance for calendar year 2001 and thereafter. Specify that any supplemental mass transit aids provided to a system would be in addition to the system's basic mass transit operating assistance payment. Specify that these supplemental mass transit aids would not be subject to the 20% local match currently required of all transit systems, excluding shared-ride taxi systems, that receive basic mass transit operating assistance payments.

Require DOT to make supplemental payments of mass transit aid from the new appropriations in calendar year 2003 and each calendar year thereafter. Specify that the payments be made to each eligible applicant for whom the percentage increase in the average cost per one-way passenger trip taken on the eligible applicant's system in the preceding calendar year did not exceed the percentage increase in the U.S. Consumer Price Index reported for the 12-month period ending on December 31 of that calendar year. Require DOT, for the purpose of providing supplemental aids, to determine the average cost per one-way passenger trip for an eligible applicant by dividing the total operating expenses of the eligible applicant's urban mass transit system for a calendar year by the total number of one-way passenger trips taken on that system during that calendar year. Allow DOT to use reasonable estimates of operating expenses or one-way trips for new or expanded services if the actual operating expenses or number of one-way trips of the new or expanded services are not known.

For aid payments from the supplemental aid appropriations for Tier A-1 and Tier A-2 systems and shared-ride taxi systems, specify that if all the applicants are eligible to receive supplemental aid payments in a calendar year, DOT would be required to distribute funds in

proportion to the number of one-way passenger trips taken on each applicant's transit system during the preceding calendar year. For aid payments from the supplemental aid appropriations for Tier B and Tier C bus systems, specify that if two or more applicants are eligible to receive supplemental aid payments in a calendar year, DOT would be required to distribute funds in proportion to the number of one-way passenger trips taken on each eligible applicant's transit system during the preceding calendar year.

Require DOT to promulgate rules to implement and administer the payment of supplemental mass transit aids, including a rule defining a one-way passenger trip. Specify that the provisions related to this program would first take effect on January 1, 2002, although the first payment would be made in 2003.

Joint Finance/Legislature: Delete provision.

5. CITY OF RHINELANDER REPAYMENT OF MASS TRANSIT AID

	Legislature (Chg. to Base)	Veto (Chg. to Leg)	Net Change
SEG-REV	-\$62,400	\$62,400	\$0

Joint Finance/Legislature: Direct DOT to waive repayment by the City of Rhineland of any outstanding balance of overpayments of state mass transit operating aid distributed to the City for calendar years 1997 through 1999. Reduce estimated transportation fund revenue by \$62,400 in 2001-02 to reflect this provision.

Veto by Governor [B-93]: Delete provision.

[Act 16 Vetoed Section: 9152(3mp)]

6. ELDERLY AND DISABLED TRANSPORTATION AIDS

SEG	\$709,300
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Governor/Legislature: Provide \$225,800 in 2001-02 and \$483,500 in 2002-03 for county assistance in the provision of elderly and disabled specialized transportation services. Total state funding would equal \$7,667,400 in 2001-02 and \$7,925,100 in 2002-03. This would provide a 3.0% increase in 2001-02 and a 3.4% increase in 2002-03 for county assistance.

7. LIFT BRIDGE AID [LFB Paper 909]

SEG	\$167,500
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Joint Finance/Legislature: Provide \$77,500 in 2001-02 and \$90,000 in 2002-03 to increase funding for lift bridge aid to reflect actual 2000 costs and estimated 2001 costs. Total funding for lift bridge aid would be \$1,502,500 in 2001-02 and \$1,515,000 in 2002-03.

8. EXPRESSWAY POLICING AID

	Jt. Finance/Leg. (Chg. to Base)	Veto (Chg. to Leg)	Net Change
SEG	\$94,600	- \$94,600	\$0

Joint Finance/Legislature: Provide \$31,200 in 2001-02 and \$63,400 in 2002-03 to provide a 3% annual increase in expressway policing aid to Milwaukee County. Total funding for expressway policing aid would be \$1,072,000 in 2001-02 and \$1,104,200 in 2002-03.

Veto by Governor [B-95]: Delete the funding increase by deleting the amounts shown in appropriation schedule (\$1,072,000 in 2001-02 and \$1,104,200 in 2002-03) and writing in lower amounts (\$1,040,800 annually).

[Act 16 Vetoed Section: 395 (as it relates to s. 20.395(1)(gq))]

9. CITY OF LA CROSSE -- PAYMENT OF CLAIM

	Legislature (Chg. to Base)	Veto (Chg. to Leg)	Net Change
SEG	\$8,400	- \$8,400	\$0

Senate/Legislature: Direct DOT to make a payment from the sum sufficient corrections of transportation aid payments appropriation for a claim against the state made by the City of La Crosse. Specify that the \$8,420.92 payment would be partial reimbursement for a penalty that was assessed against the City for tardy filing of its annual financial report with the state for 1999. Specify that the acceptance of the payment by the City would release the state and its officers, employees and agents from any further liability relating to deduction of penalties from general transportation aids payable to the City for calendar year 2000. Amend the appropriation from the effective date of the bill through January 1, 2003, to allow for the payment to be made from the appropriation. Increase the sum sufficient appropriation by \$8,400 in 2001-02 to reflect this provision.

Veto by Governor [B-92]: Delete provision. The Governor indicates in his veto message that he will request the DOA Secretary to reestimate expenditures from the sum sufficient aid corrections appropriation to be \$8,400 lower in 2001-02 to reflect this veto.

[Act 16 Vetoed Sections: 632m, 632n, 9159(3q) and 9452(10q)]

10. VILLAGE OF TWIN LAKES AND TOWN OF RANDALL BUS PURCHASE

Assembly/Legislature: Require DOT to allocate \$30,000 SEG in the 2001-03 biennium from the elderly and disabled capital assistance appropriation to award a grant under the

Department's capital assistance program for specialized transportation for the acquisition of a bus to provide transportation services to the elderly in the Village of Twin Lakes and Town of Randall in Kenosha County.

[Act 16 Section: 9152(5v)]

11. DEMAND MANAGEMENT AND RIDE-SHARING PROGRAM

Governor/Legislature: Expand the demand management and ride-sharing program to include job access and employment transportation assistance activities. Rename the program the transportation employment and mobility program and modify the various statutory references to the program to reflect the change in the program name. Specify that transportation employment and mobility would mean policies that encompass demand management, ride-sharing and job access and employment transportation assistance. Further, specify that job access and employment transportation assistance would mean policies and programs that are directed at resolving transportation needs of low-income workers and recipients of public assistance with respect to transportation to and from jobs, including welfare-to-work programs, and activities related to their employment. Modify the program's state, local and federal appropriations to reflect the change in the program activities funded from these appropriations and convert the state grant appropriation from an annual appropriation to a continuing appropriation. Specify that an additional purpose of the program would be to enhance the success of welfare-to-work programs by providing efficient and effective transportation services that link low-income workers with jobs, training centers and child care facilities. Require DOT to collaborate with the Department of Workforce Development in providing job access and transportation assistance. Provide DOT with the authority to award grants under the state appropriation for job access and employment transportation assistance and to distribute federal funds for that purpose.

[Act 16 Sections: 633 thru 635, 667, 669, 670 and 2331 thru 2337]

Local Transportation Projects

1. TRANSPORTATION ECONOMIC ASSISTANCE PROGRAM -- FUNDING LEVEL

[LFB Paper 910]

	Governor (Chg. to Base)	Jt. Finance (Chg. to Gov)	Legislature (Chg. to JFC)	Net Change
SEG	\$5,250,000	- \$5,250,000	\$250,000	\$250,000
SEG-L	<u>5,250,000</u>	<u>- 5,250,000</u>	<u>250,000</u>	<u>250,000</u>
Total	\$10,500,000	- \$10,500,000	\$500,000	\$500,000

Governor: Provide \$1,750,000 SEG and \$1,750,000 SEG-L in 2001-02 and \$3,500,000 SEG and \$3,500,000 SEG-L in 2002-03 for the transportation economic assistance (TEA) program. Total SEG funding for the program would be \$5,250,000 in 2001-02 and \$7,000,000 in 2002-03. The program provides grants to local units of government to pay up to 50% of the cost to make transportation improvements for the purpose of attracting businesses to the state or allowing existing businesses to expand. The SEG-L amounts reflect the local match required under the program.

Joint Finance: Delete \$1,750,000 SEG and \$1,750,000 SEG-L in 2001-02 and \$3,500,000 SEG and \$3,500,000 SEG-L in 2002-03 to maintain the program at the base level.

Require DOT to give priority to funding applications under the program for which the applicant has indicated a willingness to accept a loan for all or a part of the state share of the costs of the project. Prohibit DOT from allocating more than 80% of the total amount of SEG funds and loan repayments appropriated for the program for making grants. Under the TEA program, DOT is authorized to make loans, but, to date, has provided only grants. This item would require DOT to allocate at least 20% of the SEG and any future loan repayment funds provided for the program to making loans.

Assembly: Provide \$250,000 SEG and \$250,000 SEG-L annually for the program to provide total funding of \$3,750,000 SEG and \$3,750,000 SEG-L annually.

Conference Committee/Legislature: Provide \$125,000 SEG and \$125,000 SEG-L annually for the program (instead of \$250,000 SEG and \$250,000 SEG-L annually in the Assembly amendment), to provide total funding of \$3,625,000 SEG and \$3,625,000 SEG-L annually.

Veto by Governor [B-98]: Delete the provision that would have required DOT to give priority to funding applications for which the applicant has indicated a willingness to accept a loan for all or a part of the state share of the project and the provision that would have prohibited DOT from allocating more than 80% of the total SEG funds and loan repayments appropriated for the program for making grants.

[Act 16 Vetoed Section: 2308h]

2. LOCAL ROADS IMPROVEMENT PROGRAM -- DISCRETIONARY ALLOCATIONS [LFB Paper 911]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
SEG	\$2,483,200	- \$983,200	\$1,500,000
SEG-L	<u>2,483,200</u>	<u>- 983,200</u>	<u>1,500,000</u>
Total	\$4,966,400	- \$1,966,400	\$3,000,000

Governor: Provide \$529,000 SEG and \$529,000 SEG-L in 2001-02 and \$1,954,200 SEG and \$1,954,200 SEG-L in 2002-03 for the local roads improvement program and require DOT to

allocate these amounts in those fiscal years, respectively, for town road improvements with eligible costs totaling \$100,000 or more and for municipal street improvements having total estimated costs of \$250,000 or more. Specify that these allocations would be in addition to allocations for town road improvement discretionary projects (\$500,000 annually, under current law) and for municipal street improvement discretionary projects (\$750,000 annually, under current law). The allocations under the bill for the combination of town road and municipal street improvements would only apply in 2001-02 and 2002-03. Therefore, the funding provided for this purpose would be distributed under the formula component of the local roads improvement program after the 2001-03 biennium unless these allocation provisions were extended by subsequent legislation.

Joint Finance/Legislature: Provide \$221,000 SEG and \$221,000 SEG-L in 2001-02 and delete \$1,204,200 SEG and \$1,204,200 SEG-L in 2002-03 to provide a total increase of \$750,000 SEG and \$750,000 SEG-L annually for the program. Delete the provision in the bill that would have required DOT to allocate \$529,000 in 2001-02 and \$1,954,200 in 2002-03 for a new, combined town road and municipal street discretionary program. Instead, increase the amount that DOT is required to allocate for the existing discretionary components of the program as follows: (a) from \$5,000,000 annually to \$5,250,000 annually for discretionary county highway projects; (b) from \$750,000 annually to \$1,000,000 annually for discretionary municipal street projects; and (c) from \$500,000 annually to \$750,000 annually for discretionary town road projects.

[Act 16 Sections: 2347f thru 2347r]

3. LOCAL ROADS IMPROVEMENT PROGRAM -- BASIC ALLOCATION [LFB Paper 912]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
SEG	\$1,809,000	\$960,000	\$2,769,000
SEG-L	<u>1,809,000</u>	<u>960,000</u>	<u>2,769,000</u>
Total	\$3,618,000	\$1,920,000	\$5,538,000

Governor: Provide \$575,900 SEG and \$575,900 SEG-L in 2001-02 and \$1,233,100 SEG and \$1,233,100 SEG-L in 2002-03 for the local roads improvement program. This would provide increases of 3.8% in 2001-02 and 4.2% in 2002-03 for the component of the program that is distributed to counties, towns and municipalities by formula (excluding the discretionary allocations for counties, towns and municipalities).

Joint Finance/Legislature: Provide an additional \$329,000 SEG and \$329,000 SEG-L in 2001-02 and \$631,000 SEG and \$631,000 SEG-L in 2002-03 to provide a total increase of 6% annually for the basic allocation component of the program.

4. LOCAL ROADS IMPROVEMENT PROGRAM -- PRIORITY FOR TOWN ROADS DAMAGED BY HEAVY TRUCKS

Joint Finance: Require DOT to give priority to town road improvements under the basic allocation and discretionary components of the local roads improvement program to fund improvements to town roads that have been damaged as a result of heavy motor truck loads.

Senate: Delete provision.

Conference Committee/Legislature: Include Joint Finance provision.

Veto by Governor [B-96]: Delete provision.

[Act 16 Vetoed Section: 2346m]

5. FREIGHT RAIL PRESERVATION PROGRAM

BR	\$4,500,000
SEG	<u>392,400</u>
Total	\$4,892,400

Governor/Legislature: Provide an increase in general obligation bonding authority of \$4,500,000 for the freight rail preservation program to provide total bonding authority of \$28,000,000. In addition, provide an increase of \$130,800 SEG in 2001-02 and \$261,600 SEG in 2002-03 for the payment of principal and interest on the requested general obligation bonds. Bonding in this program may be used to acquire rail property and fund grants and loans for rehabilitation and construction on state-owned railroad property. The \$4,500,000 increase in bonding authority would provide the same level of funding that was provided during the past several biennia.

[Act 16 Section: 971]

6. FREIGHT RAIL INFRASTRUCTURE IMPROVEMENT PROGRAM [LFB Paper 913]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
SEG	\$0	- \$1,500,000	- \$1,500,000
SEG-L	<u>1,500,000</u>	<u>0</u>	<u>1,500,000</u>
Total	\$1,500,000	- \$1,500,000	\$0

Governor: Provide \$500,000 SEG-L in 2001-02 and \$1,000,000 SEG-L in 2002-03 to reflect estimated loan repayments into the freight rail infrastructure improvement program's revolving fund. The program provides loans at low or no interest to railroads, shippers or local governments to perform a variety of improvements related to freight rail service. With the loan repayments, which are treated as SEG-L, total funding for the program would be \$6,079,800 (\$3,079,800 SEG and \$3,000,000 SEG-L) in 2001-02 and \$6,579,800 (\$3,079,800 SEG and \$3,500,000 SEG-L) in 2002-03.

Joint Finance/Legislature: Delete \$500,000 SEG in 2001-02 and \$1,000,000 SEG in 2002-03 to maintain the program at its current size of \$5,579,800 annually.

7. RAILROAD CROSSING IMPROVEMENTS

SEG	\$1,500,000
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Governor/Legislature: Provide \$500,000 in 2001-02 and \$1,000,000 in 2002-03 for railroad crossing improvement and protection installation. With the increase provided by this item, total funding for railroad crossing improvements would be set at \$4,749,300 (\$3,549,300 FED and \$1,200,000 SEG) in 2001-02 and \$5,249,300 (\$3,549,300 FED and \$1,700,000 SEG) in 2002-03.

8. CHICAGO-MILWAUKEE PASSENGER RAIL SERVICE

FED	- \$696,300
SEG	364,400
Total	- \$331,900

Governor/Legislature: Delete \$22,400 SEG and \$201,500 FED in 2001-02 and provide \$386,800 SEG and delete \$494,800 FED in 2002-03 to adjust the appropriations for passenger rail service to provide Wisconsin's share of funding for the Chicago to Milwaukee Hiawatha passenger train service under a contract with Amtrak. The three-year contract with Amtrak, covering fiscal years 2000-01 through 2002-03, requires a lower payment than was anticipated when the 1999-01 biennial budget was passed. Consequently, the 2000-01 base is higher than is required to pay the state's share in 2001-02 and 2002-03, allowing for the reduction in this item.

Wisconsin shares the cost of the Hiawatha service with Illinois on a 75%/25% basis and would pay a total of \$3,859,847 in 2001-02 and \$3,975,642 in 2002-03 under the contract. Under this item, the rail passenger service appropriations would be established at a total of \$3,859,900 (\$386,000 SEG and \$3,473,900 FED) in 2001-02 and \$3,975,800 (\$795,200 SEG and \$3,180,600 FED) in 2002-03. DOT has determined that the state may fund 90% of the contract cost with federal highway funds in 2001-02, but only 80% in 2002-03, with the remainder paid with SEG funds. Under federal rules, the higher percentage is applicable if the service is a form of construction mitigation on the interstate, which is expected to be the case in the first year of the biennium, but not the second year.

9. HARBOR ASSISTANCE PROGRAM

BR	\$3,000,000
SEG	261,600
Total	\$3,261,600

Governor: Provide an increase in general obligation bonding authority of \$3,000,000 for the harbor assistance program to provide total bonding authority of \$25,000,000. In addition, provide \$87,200 SEG in 2001-02 and \$174,400 SEG in 2002-03 for the payment of principal and interest on the requested general obligation bonds. Total funding available for harbor assistance grants in 2001-03 would be \$4,000,000 (\$3,000,000 in bonding authority and \$1,000,000 SEG), which is \$4,000,000 less than the amount provided in 1999-01, but the same amount provided in the several biennia prior to that.

Joint Finance/Legislature: Require DOT to amend its administrative rules for the harbor assistance program during the 2001-03 biennium to specifically provide that a harbor facility that is used by a ferry service or cruise ship constitutes a commercial transportation facility for the purpose of determining eligibility under the program.

[Act 16 Sections: 970 and 9152(7d)]

10. KENOSHA TRANSIT PARKING FACILITY [LFB Paper 914]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
SEG	\$420,700	\$0	\$420,700
SEG-L	0	- 420,700	- 420,700
Total	\$420,700	- \$420,700	\$0

Governor: Provide \$420,700 SEG in 2001-02 in the demand management and ride-sharing grant program (renamed the transportation employment and mobility program by the bill) and require DOT to make a grant of that amount in 2001-02 to the City of Kenosha to provide 50% of the local share required for a congestion mitigation and air quality improvement (CMAQ) program grant for a parking facility in the City of Kenosha. Specify that this grant may not be awarded unless the City of Kenosha contributes an amount equal to the DOT grant toward the project. A CMAQ grant to Kenosha County of \$3,365,360 FED has been approved for constructing a parking garage near the Metra commuter train station in Kenosha. The grant requires a nonfederal match of \$841,340, or 20% of the total project cost. Under this item, DOT would pay half of that local match through a grant to the City of Kenosha. DOA indicates that this item was intended to require a grant to Kenosha County, instead of the City of Kenosha.

Joint Finance/Legislature: Specify that the grant shall be made to Kenosha County, instead of the City of Kenosha, and that the required local match shall be made by Kenosha County, instead of the City of Kenosha. Reduce funding by \$420,700 SEG-L in 2001-02 in the local match appropriation for the CMAQ program to reflect a reduction in the local match that would be required if DOT provides the grant.

[Act 16 Sections: 633 and 9152(5)]

11. COMBINE LOCAL BRIDGE AND HIGHWAY ASSISTANCE PROGRAMS

Governor: Make the following appropriation transfers to reflect a decision to combine the local bridge improvement assistance and local transportation facility improvement assistance programs under one set of appropriations: (a) \$8,476,500 SEG annually from the highway and local bridge improvement assistance appropriation to a new, SEG appropriation for local transportation facility improvement assistance; (b) \$26,288,200 FED annually from the local bridge improvement assistance appropriation to the FED appropriation for local transportation

facility improvement assistance; and (c) \$8,780,400 SEG-L annually from the local match appropriation for local bridge improvement assistance to the local match appropriation for local transportation facility improvement assistance. Specify that, in addition to the current uses of the SEG appropriation for highway and local bridge improvement assistance, the new SEG appropriation for local transportation facility improvement assistance could be used for institution roads, state park, forest and riverway roads and improvements to transportation facilities that are not state trunk or connecting highways (this parallels the language for the current SEG-L and FED local transportation facility improvement assistance appropriations. Specify that the improvement of bridges is an eligible use of funds under the local transportation facility improvement assistance SEG-L and FED appropriations. Delete the SEG, FED and SEG-L appropriations for local bridge improvement assistance and transfer the unencumbered balance in each of these appropriations immediately before the effective date of the bill to the corresponding appropriation for local transportation facility improvement assistance.

The local transportation facility improvement assistance program primarily funds improvements on local arterial streets and highways, while the local bridge improvement assistance program funds the rehabilitation or replacement of any local bridge. Both programs require a 20% local match. DOT indicates that the two programs would continue to be managed separately, including the selection of projects, but DOT would have the flexibility to determine the distribution of funding between the programs.

Assembly/Legislature: Delete provision.

12. AVIATION CAREER EDUCATION PROGRAM

	Jt. Finance /Leg. (Chg. to Gov)	Veto (Chg. to Leg)	Net Change
SEG	\$50,000	- \$50,000	\$0

Joint Finance: Provide \$25,000 annually for the aviation career education program, which would be sufficient to hire an additional ten program participants annually. Require DOT to offer the program in the City of Green Bay if there are interested and eligible participants for the program in Green Bay. Under this program, DOT hires socially and economically disadvantaged youth as limited-term employees to work in part-time jobs with participating aviation employers. Base funding for the program is \$138,300.

Assembly: Delete provision.

Conference Committee/Legislature: Include Joint Finance provision.

Veto by Governor [B-94]: Delete provision.

[Act 16 Vetoes Sections: 395 (as it relates to s. 20.395(2)(ds)) and 2615x]

13. EXTENSION OF PORT ARTHUR ROAD IN LADYSMITH

Joint Finance: Require DOT to allocate \$200,000 or 80% of the cost of the project, whichever is less, from the SEG appropriation for local transportation facility improvement assistance during the 2001-03 biennium to fund a project to close a section of College Avenue in the City of Ladysmith and extend Port Arthur Road east to STH 27, if the City of Ladysmith provides a local contribution toward the costs of the project in an amount equal to at least 20% of the cost of the project.

Assembly: Delete provision.

Conference Committee/Legislature: Include the Joint Finance provision, but specify that the grant shall be made from the SEG appropriation for highway and local bridge improvement assistance. The Joint Committee on Finance substitute amendment would have required the grant to be made from a new, SEG appropriation for local transportation facility improvement assistance, but the Conference Committee amendment would eliminate this appropriation.

Veto by Governor [B-100]: Delete the nonstatutory section that would have required DOT to make the grant. A cross reference to this section in the statutory section that establishes the expenditure authority for the SEG appropriation for highway and local bridge assistance was not vetoed.

[Act 16 Section: 646c]

[Act 16 Vetoed Section: 9152(3d)]

14. SPECIFIC TRANSPORTATION ENHANCEMENTS PROJECTS

Joint Finance: Require DOT to award grants under the transportation enhancements program during the 2001-03 biennium, as follows: (a) to the Village of Holmen for a project known as the Halfway Creek Bike Trail, if a person other than the state contributes funds for the project that at least equal 20% of the project costs; and (b) to the City of Wausau for a project known as the City Square Park Pedestrian Pathway if the City of Wausau contributes funds for the project that at least equal 20% of the project costs.

Senate: Require DOT to award a grant of \$1,000,000 in 2002-03 from the appropriation for transportation enhancements to the City of Ashland to be used for the restoration of the historic Ashland railroad depot, if a local sponsor contributes funds for the restoration equal to at least 20% of the cost of the project. Specify that the amount of the grant shall be \$1,000,000 or 80% of the cost of the project, whichever is less.

Require DOT to award a grant of \$496,000 in the 2001-03 biennium from the appropriation for transportation enhancements to the City of Sparta in Monroe County for construction of a snowmobile-bicycle-pedestrian overpass over I-90 in the City of Sparta. Specify that the overpass shall be at least 14 feet in width and shall be located to provide convenient and safe

access to the Elroy-Sparta State Trail, the La Crosse River State Trail and nearby snowmobile trails.

Assembly: Require DOT to award a grant in the 2001-03 biennium from the appropriation for transportation enhancements to the City of Sheboygan or the Town of Sheboygan, or both, for a project known as the Eisner Avenue pedestrian-bike trail improvement project if the recipient of the grant contributes funds for the project that total at least 20% of the costs of the project.

Conference Committee/Legislature: Include the Joint Finance, Senate and Assembly provisions.

Veto by Governor [B-99]: Delete the provision that requires DOT to award a grant to the City of Wausau.

[Act 16 Section: 9152(4d),(4h),(4k)&(5e)]

[Act 16 Vetoed Section: 9152(4c)]

15. RECREATIONAL TRAIL IN THE TOWN OF MENASHA

Joint Finance/Legislature: Require DOT to make a grant of \$25,000 in the 2001-03 biennium to the Town of Menasha in Winnebago County from funds appropriated for the local roads improvement program for the construction of a recreational trail along Cold Spring Road in the Town. Specify that the grant shall be made before making any allocation of funds under the basic allocation component of the program and shall not affect the entitlement received by the Town under that component. Specify that the grant shall be made notwithstanding the limitations on the amount and use of aids or on the eligibility requirements for receiving aids under the program.

Veto by Governor [B-96]: Delete provision.

[Act 16 Vetoed Sections: 649m and 9152(4x)]

16. RESTRICTIONS RELATED TO LIGHT RAIL MASS TRANSIT SYSTEMS

Assembly: Repeal the June 30, 2001, sunset date on the current law provision that prohibits DOT from encumbering or expending any state funds or federal interstate cost estimate (ICE) funds for any purpose related to a light rail mass transit system. Prohibit the governing body of any county or municipality and any agency, corporation, instrumentality or subunit of a county or municipality from entering into a contract for any purpose related to a light rail mass transit system if the cost of the any of the contracted items would be paid for with state funds or federal ICE funds. On the effective date of the bill, prohibit a light rail mass transit system from being constructed in Milwaukee County unless the Milwaukee County

board authorizes the construction of the system by resolution and the resolution is ratified by the electors of Milwaukee County at a referendum to be held at the next general election.

Conference Committee/Legislature: Provide a one-year extension, to June 30, 2002, of the sunset date for the current law provision that prohibits DOT from encumbering or expending any state funds or federal interstate cost estimate (ICE) funds for any purpose related to a light rail mass transit system. Also extend by one year, to June 30, 2002, the sunset date for the current law provision that prohibits the governing body of any county or municipality from entering into a contract for any purpose related to a light rail mass transit system if the cost of any of the contracted items would be paid for with state funds or federal ICE funds. On the effective date of the bill, prohibit a light rail mass transit system from being constructed in Milwaukee County unless the Milwaukee County board authorizes the construction of the system by resolution and the resolution is ratified by the electors of Milwaukee County at a referendum to be held at the next general election.

[Act 16 Sections: 2330g thru 2330j and 4046t]

17. PASSENGER RAIL SERVICE BONDING

Assembly: Prohibit DOT from spending bond proceeds from bonds authorized for passenger rail improvements between Milwaukee and Green Bay or Milwaukee and Madison or for passenger rail station improvements on any project unless the project is enumerated in the statutes and state funds are used for not more than 20% of the cost of an enumerated project. Specify that this provision would first apply to purposes enumerated in the statutes on the effective date of the bill, although no projects would be enumerated under the bill. This provision would replace the current law procedure, under which the expenditure of bond proceeds must be approved by the Joint Committee on Finance. 1993 Act 16 authorized \$50,000,000 in general obligation bonds for passenger route development and required DOT to get approval of the Joint Committee on Finance prior to using these bond proceeds. Of this amount, \$48,000,000 remains unused.

Conference Committee/Legislature: Include the Assembly provision that would prohibit DOT from spending bond proceeds on any project unless state funds are used for not more than 20% of the cost of the project. Include the Assembly provision that would delete the current law requirement that DOT receive approval of the Joint Committee on Finance before using bond proceeds, but eliminate the requirement in the Assembly provision that would require a passenger rail project to be enumerated in the statutes before bond proceeds are used on the project.

Veto by Governor [B-101]: Delete provision.

[Act 16 Vetoed Section: 2311g]

18. EMERGENCY VEHICLE RAILROAD UNDERPASS FOR THE CITY OF LADYSMITH

Senate/Legislature: Require DOT to allocate \$480,000 from amounts appropriated for railroad crossing improvements for the construction of an underpass under the railroad tracks on Phillips Street in the City of Ladysmith for the purpose of providing emergency vehicle access to the entire city.

Veto by Governor [B-100]: Delete provision.

[Act 16 Vetoed Sections: 654p, 654r and 9152(5g)]

19. LOCOMOTIVE QUIET ZONE FUNDING FOR THE CITY OF LADYSMITH

Senate: Require DOT to allocate \$270,000 from amounts appropriated for railroad crossing improvements for the installation of safety measures at two railroad crossings in the City of Ladysmith to bring those crossings into compliance with provisions of a proposed rule of the Federal Railroad Administration relating to locomotive quiet zones.

Conference Committee/Legislature: Delete provision.

20. LOCAL ROADS IMPROVEMENT PROJECT ALLOCATION FOR 85TH STREET IN THE VILLAGE OF PLEASANT PRAIRIE

Senate/Legislature: Require DOT to make a grant of \$609,000 in the 2001-03 biennium to the Village of Pleasant Prairie in Kenosha County from funds appropriated for the local roads improvement program for improvements to 85th Street in the Village. Specify that the grant shall be made before making any allocation of funds under the basic allocation component of the program and shall not affect the entitlement received by the Village under that component. Specify that the grant shall be made notwithstanding the limitations on the amount and use of aids or on the eligibility requirements for receiving aids under the program.

Veto by Governor [B-96]: Delete provision.

[Act 16 Vetoed Section: 9152(4z)]

21. LOCAL ROADS IMPROVEMENT PROJECT ALLOCATION FOR 80TH STREET IN THE VILLAGE OF PLEASANT PRAIRIE

Senate: Require DOT to make a grant of \$637,000 in the 2001-03 biennium to the Village of Pleasant Prairie in Kenosha County from funds appropriated for the local roads improvement program for construction of 80th Street between Cooper Road and 57th Avenue in the Village. Specify that the grant shall be made before making any allocation of funds under the basic allocation component of the program and shall not affect the entitlement received by

the Village under that component. Specify that the grant shall be made notwithstanding the limitations on the amount and use of aids or on the eligibility requirements for receiving aids under the program

Conference Committee/Legislature: Delete provision.

State Highway Program

1. MARQUETTE INTERCHANGE RECONSTRUCTION [LFB Papers 920 and 921]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
FED	\$117,935,200	\$15,000,300	\$132,935,500
SEG	8,000,000	19,708,400	27,708,400
SEG-S	6,996,600	- 6,996,600	0
Total	\$132,931,800	\$27,712,100	\$160,643,900

Governor: Provide \$1,750,000 SEG, \$26,868,000 FED and \$2,264,300 SEG-S (revenue bond proceeds) in 2001-02 and \$6,250,000 SEG, \$91,067,200 FED and \$4,732,300 SEG-S in 2002-03 to begin preliminary work related to the reconstruction of the Marquette Interchange in Milwaukee, including preliminary engineering, final design, real estate acquisition and traffic mitigation.

Create four, continuing appropriations for Marquette Interchange reconstruction to account for SEG funds, federal funds, revenue bond proceeds and local funds provided for the project. Specify that revenue bond proceeds may be used for the Marquette Interchange reconstruction project. Permit the Building Commission to issue revenue bonds for the reconstruction of the Marquette Interchange, but specify that not more than \$6,996,600 (the amount appropriated by the bill) may be issued for this purpose. Create a revenue bond appropriation for the administrative costs of bond issuance and modify an existing clearing account appropriation to reflect the change allowing the use of bonds for the reconstruction project. Specify that the reconstruction of the Marquette Interchange be funded from the following appropriations: (a) the SEG, FED, SEG-S and SEG-L appropriations for the Marquette Interchange reconstruction project; (b) the appropriation for the administrative costs of bond issuance; (c) the SEG, FED and SEG-L appropriations for state highway rehabilitation; and (d) a new, PR (tribal gaming proceeds) appropriation for the reconstruction of West Canal Street in Milwaukee (summarized in the following item). Clarify that the funding of the Marquette Interchange reconstruction project shall be subject to current law restrictions on the purchase of land, easements or development rights in land that is more than one-quarter of a mile from a highway project.

Of the \$117,935,200 FED provided by the bill for the interchange reconstruction project over the biennium, \$75,200,000 (\$12,750,000 in 2001-02 and \$62,450,000 in 2002-03) would be interstate cost estimate (ICE) funds and the remaining \$42,735,200 (\$14,118,000 in 2001-02 and \$28,617,200 in 2002-03) would be formula-based highway aid. A 1999 agreement between Governor Thompson and the City and County of Milwaukee allocated \$75.2 million, out of a total of \$241 million in ICE funds available to the state, to the Marquette Interchange reconstruction project. The bill would provide the full amount in the federal appropriation for Marquette Interchange reconstruction, even though the full amount may not be used during the biennium. DOT indicates that the federal formula funds would likely be used on the project before using federal ICE funds, since the formula funds are subject to lapse at the end of each federal fiscal year, but the ICE funds will not lapse. Another bill provision (summarized below) would allocate \$5 million of the ICE funds under this provision in 2001-02 to the West Canal Street reconstruction project, subject to various conditions. DOT plans to reconstruct the entire interchange over a period of four years, with the principal construction beginning in 2004. The Department estimates that the total cost of the reconstruction will be between \$550 million and \$950 million.

Joint Finance: Modify the Governor's funding to provide an additional increase in funding for the project of \$21,443,100 in 2001-02 and \$6,269,000 in 2002-03, as follows: (a) delete \$2,264,300 SEG-S in 2001-02 and \$4,732,300 SEG-S in 2002-03; (b) provide \$7,965,200 SEG in 2001-02 and \$11,743,200 SEG in 2002-03; and (c) provide \$15,742,200 FED in 2001-02 and delete \$741,900 FED in 2002-03. These adjustments reflect the net effect of decisions to do the following: (a) provide additional federal formula funds for the project; (b) exchange SEG-S for an equal amount of SEG funds from the major highway development program to reflect a decision to not use revenue bond proceeds for the project during the 2001-03 biennium; (c) exchange FED funds for an equal amount of SEG funds from the state highway rehabilitation program to provide a sufficient amount of nonfederal funds to provide a match for the remaining federal funds; and (d) adjust the level of federal ICE funds to reflect the actual amount of these funds available for the project. The following table shows the funds provided by the Joint Finance Committee's substitute amendment, by funding source.

Marquette Interchange Funding in the JFC Substitute Amendment

<u>Funding Source</u>	<u>2001-02</u>	<u>2002-03</u>	<u>Biennial Total</u>
SEG	\$9,715,200	\$17,993,200	\$27,708,400
FED-Formula	29,860,200	27,925,300	57,785,500
FED-ICE	<u>12,750,000</u>	<u>62,400,000</u>	<u>75,150,000</u>
Total	\$52,325,400	\$108,318,500	\$160,643,900

Modify the SEG, FED and SEG-L appropriations for Marquette Interchange reconstruction by specifying that they are, instead, for the reconstruction and interim repair of southeast Wisconsin freeways, including the reconstruction and interim repair of the Marquette

Interchange, and modify the appropriation titles accordingly. Specify that no funds may be encumbered from these appropriations after June 30, 2011, and specify that any unencumbered balance in these appropriations on July 1, 2011, shall be transferred to the appropriations for state highway rehabilitation. Delete the SEG-S appropriation for Marquette Interchange reconstruction and delete the authority of the Building Commission to issue revenue bonds for the Marquette Interchange project.

Require DOT to make a request to the Joint Committee on Finance under s. 13.10 of the statutes, for the first such quarterly meeting after the effective date of the bill, for the transfer of funds from the appropriations for state highway rehabilitation to the appropriations for southeast Wisconsin freeway reconstruction to allocate funds for the reconstruction of the southeast Wisconsin freeways. Specify that DOT's request may not include the transfer of funds allocated for projects in other parts of the state or other funding that is not allocated to reconstruction of southeast Wisconsin freeways.

Specify that the Marquette Interchange reconstruction project may be funded only from the appropriations for southeast Wisconsin freeway reconstruction. Prohibit DOT from transferring funds from the appropriations for state highway rehabilitation to the appropriations for southeast Wisconsin freeway reconstruction or making any other adjustments to the appropriations for southeast Wisconsin freeway reconstruction or the allocations for the Marquette Interchange reconstruction project unless these adjustments are approved or modified and approved by the Joint Committee on Finance under s. 13.10 of the statutes.

Require DOT to allocate \$160,643,900 in 2001-03, including \$75,150,000 in federal ICE funds, for the Marquette Interchange reconstruction project. Specify that DOT may reduce this allocation, except for the allocation of federal ICE funds, if allocating such an amount would result in the loss of any federal highway funds. Specify that the amounts by which this allocation is reduced may be used to fund other southeast Wisconsin freeway reconstruction projects.

Prohibit DOT from expending more than \$160,643,900 in 2001-03 or more than \$45,918,500 in any fiscal year thereafter for the Marquette Interchange reconstruction project, unless the expenditure of more funds is approved or modified and approved by the Joint Committee on Finance under s. 13.10 of the statutes. Specify that DOT may use funds that would otherwise be used for other southeast Wisconsin freeway reconstruction projects to exceed these expenditure limits on the Marquette Interchange project to meet project deadlines as long as the Department makes a reduction in subsequent allocations for the Marquette Interchange reconstruction project that is equal to the amounts by which the applicable expenditure limit was exceeded. Specify that DOT may make interim repairs to the Marquette Interchange or other segments of the southeast Wisconsin freeway system from the amounts appropriated for southeast Wisconsin freeway reconstruction that are not allocated to Marquette Interchange reconstruction. Specify that DOT may transfer the funding of southeast

Wisconsin freeway reconstruction projects between the SEG and FED appropriations to minimize project costs.

Define "Marquette Interchange" as all highways, including ramps and shoulders, encompassing I-43, I-94 and I-794 in Milwaukee County within the area bordered by 25th Street to the west, North Avenue to the north, the southern end of Burnham Canal to the south and the Milwaukee River to the east. Define "reconstruction" as the rebuilding of highways or bridges, including improvements to enhance safety, design or capacity, including any activities associated with such rebuilding, including design engineering, traffic mitigation, property acquisition and utility facility relocation. Define "interim repair" as an improvement not included in the Department's six-year highway improvement program that is needed to remedy unanticipated roadway deficiencies.

Require DOT, when the Department reconstructs the Marquette Interchange, to include an interchange at I-94 and 13th Street and require the Department to maintain the interchange at that location that exists on the effective date of the bill open for travel during reconstruction of the Marquette Interchange.

Require DOT to submit its proposed relocation assistance agreement associated with the reconstruction of the Marquette Interchange with Aldrich Chemical Company, Inc., to the Joint Committee on Finance. Specify that the proposed agreement shall include a designation of the relative responsibilities of each party to the agreement with respect to remediation of any environmental contamination on the property. Specify that if the Co-chairs of the Committee do not notify the Department within 14 working days after the date of the Department's submission that the Committee has scheduled a meeting to review the proposed agreement, the Department may enter into the proposed agreement. Specify that if, within 14 working days after the date of the Department's submission, the Co-chairs of the Committee notify DOT that the Committee has scheduled a meeting to review the proposed agreement, the Department may enter into the proposed agreement only upon approval of the Committee.

Senate: Require DOT, when the Department reconstructs the Marquette Interchange, to include an interchange at I-794 and Plankinton Avenue and require the Department to maintain an interchange at that location open for travel during the Marquette Interchange reconstruction project.

Specify that construction work on the Marquette Interchange project shall be performed on a 24-hour basis.

Specify that a current law provision that requires DOT to attempt to ensure that 5% of the total amount expended in each fiscal year for highway construction projects is paid to minority businesses, applies to the Marquette Interchange reconstruction project, with a modification to specify that the minority businesses must be those certified as minority businesses by the Department of Commerce. Include this provision in the list of purposes for which the Department of Commerce must establish and periodically update a list of certified minority businesses. Specify that a current law provision that allows DOT to accept bids on projects that

are not more than 5% higher than the lowest bidder in an attempt to increase contracts awarded to minority businesses applies to contracts awarded for the Marquette Interchange reconstruction project.

Assembly: Require DOT to design the reconstruction of the Marquette Interchange and I-94 in Milwaukee and Waukesha Counties to allow for expansion of capacity for vehicular traffic on those highways to meet the projected vehicular traffic capacity needs, as determined by the Department, for 30 years following the completion of the reconstruction of those highways.

Modify a provision in the Joint Committee on Finance's substitute amendment that would establish SEG, FED and SEG-L appropriations for southeast Wisconsin freeway reconstruction, including reconstruction of the Marquette Interchange, by specifying that they are for southeast Wisconsin freeway rehabilitation, instead of reconstruction and interim repair of those freeways. Define "southeast Wisconsin freeway" as a state trunk highway located in Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington or Waukesha county that has four or more lanes of traffic physically separated by a median or barrier and that gives preference to through traffic by limiting access to interchanges only. Define "rehabilitation," for the purposes of this provision, as interim repairs, the reconditioning, reconstruction or resurfacing of a freeway or the adding of one or more lanes to the freeway. Modify a provision of the Joint Committee on Finance's substitute amendment that would specify that the Marquette Interchange reconstruction project could be funded only from the appropriations for southeast Wisconsin reconstruction by specifying that any southeast Wisconsin freeway rehabilitation project could only be funded from these appropriations (as modified). Specify that funds provided in the state highway rehabilitation program appropriations may not be used for southeast Wisconsin freeway rehabilitation projects, instead of, under the substitute amendment, applying this restriction only to the Marquette Interchange project. Modify the provision in the substitute amendment that requires DOT to submit a request under s. 13.10 for the transfer of funds from the state highway rehabilitation program to the appropriations for southeast Wisconsin freeway reconstruction to, instead, require the request to include the transfer of funds for the rehabilitation of those freeways.

Modify the definition of a major highway development project to specify that it does not include a southeast Wisconsin freeway rehabilitation project. This would allow a southeast Wisconsin freeway rehabilitation project that would otherwise be classified as a major highway development project to be constructed without being enumerated as a major highway development project.

Conference Committee/Legislature: Include the Senate provisions that would require DOT to include an interchange at Plankinton Avenue and to perform construction on a 24-hour basis, but do not include the Senate provision that would require DOT to attempt to ensure that 5% of the total amount expended in each fiscal year for the Marquette Interchange reconstruction project is paid to minority businesses. Include the Assembly provisions, but exclude the modification to the definition of major highway development projects that would have excluded rehabilitation projects on southeast Wisconsin freeways.

Veto by Governor [B-108]: Delete the following: (a) the provision that would have prohibited DOT from expending funds from the state highway rehabilitation appropriations for the rehabilitation of southeast Wisconsin freeways, including the reconstruction of the Marquette Interchange; (b) the requirement that DOT submit a request to the Joint Committee on Finance for transferring funds from the state highway rehabilitation appropriations for southeast Wisconsin freeway rehabilitation projects; (c) the provision that would have prohibited DOT from transferring funds from the state highway rehabilitation appropriations to the southeast Wisconsin freeway rehabilitation appropriations or from changing the amounts allocated for the Marquette Interchange without first receiving the approval of the Joint Committee on Finance; (d) the provision that would have prohibited DOT from expending more than \$45,918,500 in any fiscal year after the 2001-03 biennium on the Marquette Interchange reconstruction project; (e) the requirement that DOT construct interchanges at the intersection of 13th Street and I-94 and at the intersection of Plankinton Avenue and I-794 and to maintain those interchanges open for traffic during the construction; (f) the requirement that DOT submit its proposed relocation assistance agreement with Aldrich Chemical Company, Inc., to the Joint Committee on Finance for approval under a 14-day passive review process; (g) the requirement that construction be conducted on a 24-hour basis; and (h) the requirement that DOT design the reconstruction of the Marquette Interchange and I-94 in Milwaukee and Waukesha counties to allow for expansion of capacity to meet the projected capacity needs, as determined by the Department, for 30 years following the completion of the reconstruction of those highways.

[Act 16 Sections: 656m, 658b, 659b, 2303b and 9152(5w)]

[Act 16 Vetoed Sections: 656k, 657k, 658t, 2303b and 9152(5x)]

2. RECONSTRUCTION OF WEST CANAL STREET IN MILWAUKEE [LFB Paper 171]

	Governor (Chg. to Base)	Legislature (Chg. to Gov)	Net Change
PR	\$5,000,000	- \$2,500,000	\$2,500,000

Governor: Transfer \$3,500,000 in 2001-02 and \$1,500,000 in 2002-03 from the continuing appropriation for Indian gaming receipts to a new, continuing PR appropriation for making a grant to the City of Milwaukee for the reconstruction of West Canal Street. Require DOT to make grants totaling \$5,000,000 to the City from this appropriation if the City contributes \$10,000,000 toward the West Canal Street reconstruction project. Require DOT to make an additional grant to the City of not more than \$5,000,000 in federal interstate cost estimate (ICE) funds received by the state. Specify that this additional grant would be for the reconstruction of West Canal Street to serve as a transportation corridor for the purpose of mitigating traffic associated with the reconstruction of the Marquette Interchange and would be made only if the City contributes the \$10,000,000 toward the project and all of the following also apply: (a) the City makes another contribution toward the project from the City's share of federal ICE funds

that is equal to the amount of the state ICE funds grant; and (b) the federal Department of Transportation approves the use of federal ICE funds for the reconstruction project. Specify that the state ICE funds grant would be made from a FED appropriation for the reconstruction of the Marquette Interchange (created by the bill and summarized in the previous item). Specify that the provisions requiring DOT to make grants to the City of Milwaukee would not apply after December 31, 2005. Delete the provision that would transfer funds from the Indian gaming receipts appropriation to the West Canal Street reconstruction appropriation, effective July 1, 2003.

A 1999 agreement between Governor Thompson and the City and County of Milwaukee allocated a total of \$241 million in ICE funds available to the state among various transportation projects in southeastern Wisconsin. The agreement, which was approved by the U.S. Department of Transportation, allocated \$75.2 million to the reconstruction of the Marquette Interchange, but no funds were specifically allocated to the West Canal Street project. Since the use of ICE funds specified in this item is different than the agreement, the modification would require approval of the U.S. DOT. In compliance with federal law, the agreement allocated one-half of the ICE funds to the state and the other half to the local governments. Although the bill refers to ICE funds received by the City, the 1999 agreement did not distinguish between ICE funds received by the City and ICE funds received by the County.

West Canal Street runs parallel to I-94, immediately south of the Menomonee River and past the Potawatomi Casino. The proposed reconstruction would, among other enhancements, remove railroad tracks from the street's right-of-way and extend the street westward to USH 41 at Miller Park.

Joint Finance: Modify the Governor's recommendation by deleting the requirement that the City of Milwaukee contribute \$5,000,000 from the City's share of federal ICE funds toward the project in order for the City to receive a DOT grant of \$5,000,000 for the project from amounts appropriated for the Marquette Interchange reconstruction project. Delete the requirement that the DOT grant be made from the state's share of federal ICE funds and, instead, specify that this grant be made from any amounts allocated to the Marquette Interchange reconstruction project. Under this modification, DOT would be required to make a grant of \$5,000,000 from amounts appropriated for southeast Wisconsin freeway reconstruction and grants totaling \$5,000,000 from tribal gaming proceeds to the City of Milwaukee for the reconstruction of West Canal Street if the City contributes \$10,000,000 toward the cost of the project, without specifying the source of the funds.

Require DOT to request up to \$5,000,000 in additional tribal gaming revenue in its 2003-05 budget request, if additional funds are needed in 2003-05 to complete the West Canal Street project. Specify that if a request for additional funds is made, that DOT's request shall include a recommendation for statutory changes needed to require the City of Milwaukee to make a matching contribution equal to the amount of the grant to be awarded by DOT in the 2003-05 biennium.

Assembly: Modify the Joint Committee on Finance provision that would require DOT to make a grant of \$10,000,000 to the City of Milwaukee for the reconstruction of West Canal Street if the City contributes \$10,000,000 toward the cost of the project by deleting \$3,500,000 in 2001-02 and \$1,500,000 in 2002-03 of tribal gaming proceeds provided for making the grant and lowering the City's required match to \$5,000,000. The remaining \$5,000,000 grant to the City would come from amounts appropriated for the Marquette Interchange reconstruction project.

Conference Committee/Legislature: Modify the Joint Committee on Finance provision that would require DOT to make a grant of \$10,000,000 to the City of Milwaukee for the project by specifying that, instead of the grant being composed of \$5,000,000 from amounts appropriated for the Marquette Interchange project and \$5,000,000 from tribal gaming proceeds, the grant would be composed of the following: (a) \$5,000,000 from amounts appropriated for the Marquette Interchange project; (b) \$2,500,000 from tribal gaming proceeds; and (c) \$2,500,000 from amounts appropriated for the local roads improvement program. Specify that DOT shall make the portion of the grant that would be made from the local roads improvement program notwithstanding the limitations on the amount and uses of grants or on eligibility requirements under that program. Require DOT to reduce the other allocations from the local roads improvement program proportionately in order to fund this grant. Decrease funding by \$2,250,000 in 2001-02 and \$250,000 in 2002-03 in the tribal gaming proceeds appropriation for West Canal Street reconstruction to reflect this decision.

Veto by Governor [B-109]: Delete the requirement that DOT request up to \$5,000,000 in tribal gaming revenue in its 2003-05 budget request and the requirement that DOT request statutory changes related to Milwaukee's matching contribution. As vetoed, the nonstatutory provision reads: "a request for additional funds in the 2003-05 fiscal biennium to complete the West Canal Street reconstruction project specified under section 84.03(3) of the statutes, as created by this act, shall require the city of Milwaukee to make a matching contribution to the amount of the grant to be awarded." In addition, the veto makes a technical correction to the provision.

[Act 16 Sections: 655, 656m, 659b, 893, 894, 2298, 2306, 2348m, 9152(5y) and 9401(1)]

[Act 16 Vetoed Sections: 655 and 9152(5y)]

3. STATE HIGHWAY REHABILITATION -- FUNDING LEVEL [LFB Paper 922]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
FED	\$16,696,300	\$12,711,800	\$29,408,100
SEG	<u>30,177,900</u>	<u>- 1,365,000</u>	<u>28,812,900</u>
Total	\$46,874,200	\$11,346,800	\$58,221,000

Governor: Provide \$6,721,300 SEG and \$8,201,500 FED in 2001-02 and \$23,456,600 SEG and \$8,494,800 FED in 2002-03 for the state highway rehabilitation program. These amounts

would provide increases of 2.7% in 2001-02 and 3.0% in 2002-03, calculated on a base that excludes costs related to salaries for state employees.

The following table shows the bill's proposed funding for the program by funding source. Federal funds are divided into federal highway formula funds and federal interstate cost estimate (ICE) funds, which the bill would provide for the demolition of the Park East Freeway in Milwaukee. The funding in each year of the biennium reflects the net effect of this item, plus the following: (a) standard budget adjustments (-\$112,000 SEG annually); and (b) an increase of \$1,200,000 SEG and \$21,250,000 FED-ICE in 2001-02 for the demolition of the Park East Freeway.

<u>Fund</u>	<u>2000-01 Base</u>	<u>Governor</u>	
		<u>2001-02</u>	<u>2002-03</u>
SEG	\$250,266,800	\$258,076,100	\$273,611,400
FED-Formula	315,682,100	323,883,600	324,176,900
FED-ICE	<u>0</u>	<u>21,250,000</u>	<u>0</u>
Total	\$565,948,900	\$603,209,700	\$597,788,300

Joint Finance: Increase funding by \$4,260,400 SEG in 2001-02 and \$7,086,400 SEG in 2002-03 to provide total increases of 3.5% annually, calculated on a base that excludes costs related to salaries for state employees. Delete \$5,700,900 SEG in 2001-02 and \$7,010,900 SEG in 2002-03 and replace this funding with corresponding amounts of FED to reflect a decision to exchange FED for SEG for the Marquette Interchange reconstruction project to provide sufficient nonfederal funds for that project to match all available federal funds provided for that project. The following table compares the total funding provided for the program under the bill and under the Joint Committee on Finance's substitute amendment. The amounts reflect this item and a separate item that would provide \$2,000 SEG in 2001-02 for the construction of sidewalks in Wisconsin Rapids.

<u>Fund</u>	<u>Governor</u>		<u>Joint Finance</u>	
	<u>2001-02</u>	<u>2002-03</u>	<u>2001-02</u>	<u>2002-03</u>
SEG	\$258,076,100	\$273,611,400	\$256,637,600	\$273,686,900
FED-Formula	323,883,600	324,176,900	329,584,500	331,187,800
FED-ICE	<u>21,250,000</u>	<u>0</u>	<u>21,250,000</u>	<u>0</u>
Total	\$603,209,700	\$597,788,300	\$607,472,100	\$604,874,700

Legislature: The following table compares the total funding for the state highway rehabilitation program under the Joint Committee on Finance's substitute amendment with the final funding for the program under the bill, reflecting actions taken by the Assembly and Conference Committee. A separate item, summarized under "Expenditure Authority Under the State Highway Rehabilitation and State Highway Maintenance and Traffic Operations Programs" (Item #10 in this section), would transfer the responsibility for funding the installation, replacement, rehabilitation and maintenance of highway signs, traffic control

signals, highway lighting, pavement markings and intelligent transportation systems from the highway rehabilitation program to the highway maintenance and traffic operations program. That item would also transfer \$27,000,000 SEG from the highway rehabilitation program to the highway maintenance and traffic operations program in 2001-02, which is reflected in the table, and is the amount that DOT indicates is spent annually from the highway rehabilitation program for the transferred activities. The act would not transfer funding in 2002-03 for these functions, but would allow DOT to submit a request to the Joint Committee on Finance under s. 13.10 of the statutes for the transfer of up to \$10,000,000 in that year. The table also reflects a decision to delete \$2,000 SEG in 2001-02 that was provided by the Joint Committee on Finance for the construction of sidewalks in Wisconsin Rapids.

<u>Fund</u>	<u>Joint Finance</u>		<u>Act 16</u>	
	<u>2001-02</u>	<u>2002-03</u>	<u>2001-02</u>	<u>2002-03</u>
SEG	\$256,637,600	\$273,686,900	\$229,635,600	\$273,686,900
FED-Formula	329,584,500	331,187,800	329,584,500	331,187,800
FED-ICE	<u>21,250,000</u>	<u>0</u>	<u>21,250,000</u>	<u>0</u>
Total	\$607,472,100	\$604,874,700	\$580,470,100	\$604,874,700

4. **PARK EAST FREEWAY** [LFB Paper 923]

FED	\$21,250,000
SEG	1,200,000
SEG-L	<u>2,550,000</u>
Total	\$25,000,000

Governor: Provide \$21,250,000 FED, \$1,200,000 SEG and \$2,550,000 SEG-L in 2001-02 in the state highway rehabilitation program for the demolition of a portion of the Park East Freeway (STH 145) in Milwaukee, the construction of a new bridge spanning the Milwaukee river and surface street improvements to accommodate increased traffic. Specify that the maximum state share for the demolition project shall be \$8,000,000, of which \$6,800,000 shall be federal interstate cost estimate (ICE) funds received by the state, as provided in an agreement entered into on April 20, 1999, between the City of Milwaukee, Milwaukee County and the state. Specify that the local share of the project shall not be less than \$17,000,000, of which \$14,500,000 shall be ICE funds received by the City or County, as provided in the 1999 agreement.

The 1999 agreement between Governor Thompson and the City and County of Milwaukee allocated a total of \$241 million in ICE funds available to the state among various transportation projects in southeastern Wisconsin. In compliance with federal law, the agreement allocated one-half of the ICE funds to the state and the other half to the local governments. It specified that \$21.3 million of ICE funds would be used for the Park East demolition project, of which, \$6.8 million would be from the state's share and \$14.5 million would be from the local share. The bill would provide a total of \$21,250,000 in ICE funds to reflect the sum of the local and state shares. The bill's statutory requirement that the local governments use not less than \$14,500,000 in ICE funds is based on the rounded figures used in

the agreement. The unrounded figure, which is the basis for the appropriation adjustment, is \$14,450,000.

The ICE funds require a 15% nonfederal match, or a total of \$3,750,000. This nonfederal share would be split between the state and the City and County of Milwaukee, with the local governments paying slightly more than two-thirds of that amount. The Executive Budget Book implies that the freeway will be demolished from 4th Street to its eastern terminus.

Joint Finance/Legislature: Specify that of the \$17,000,000 local share for the project, \$14,450,000 shall be ICE funds received by the City or County, instead of \$14,500,000.

[Act 16 Section: 2307]

5. MAJOR HIGHWAY DEVELOPMENT -- FUNDING LEVEL [LFB Paper 924]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
SEG	\$15,045,600	\$1,003,400	\$16,049,000
SEG-S	<u>12,392,300</u>	<u>4,967,500</u>	<u>17,359,800</u>
Total	\$27,437,900	\$5,970,900	\$33,408,800

Governor: Provide \$3,996,200 SEG and \$2,363,600 SEG-S (revenue bond proceeds) in 2001-02 and \$11,049,400 SEG and \$10,028,700 SEG-S in 2002-03 for the major highway development program. These amounts would provide increases of 2.9% in 2001-02 and 6.5% in 2002-03, calculated on a base that excludes costs related to state-funded salaries for state employees. Revenue bond proceeds would provide 54.0% of the total funding for the program in 2001-02 and 53.9% in 2002-03, compared to 54.5% in the base year. The total increases would be \$6,359,800 in 2001-02 and \$21,078,100 in 2002-03.

The following table shows the proposed funding for the program by funding source. The funding in each year of the biennium reflects the net effect of this item and standard budget adjustments (-\$87,400 SEG annually). DOA indicates that the Governor's intent was to provide \$125,406,800 in revenue bond proceeds in 2002-03 instead of \$129,935,900, which would reduce the total amount provided for the program to \$236,616,600 in that year. The bonding authorization and debt service estimates in the bill are based on this lower amount. At this level, the increase in 2002-03 would be 4.5% and the amount of bond proceeds would equal 53.0% of the total funding for the program.

Fund	2000-01 Base	Governor	
		2001-02	2002-03
SEG	\$42,299,300	\$46,208,100	\$53,261,300
FED	57,948,500	57,948,500	57,948,500
Bonding	<u>119,907,200</u>	<u>122,270,800</u>	<u>129,935,900</u>
Total	\$220,155,000	\$226,427,400	\$241,145,700

Joint Finance/Legislature: Provide an additional \$3,000,000 SEG and \$2,500,000 SEG-S in 2001-02 and \$5,000,000 SEG in 2002-03 and delete \$4,529,100 SEG-S in 2002-03 to provide total funding increases of 5.4% in 2001-02 and 4.2% in 2002-03, calculated on a base that excludes costs related to state-funded salaries for state employees. Delete \$2,264,300 SEG in 2001-02 and \$4,732,300 SEG in 2002-03 and replace these amounts with corresponding amounts of SEG-S to reflect a decision to replace bonding funds provided for the Marquette Interchange reconstruction project with SEG funds from the major highway development program. Under the Committee's substitute amendment, bond funds would be used for 54.8% of the program in 2001-02 and 53.9% in 2002-03. The following table compares the total funding provided for the program under the bill and under the Joint Committee on Finance's substitute amendment.

<u>Fund</u>	<u>Governor</u>		<u>Joint Finance</u>	
	<u>2001-02</u>	<u>2002-03</u>	<u>2001-02</u>	<u>2002-03</u>
SEG	\$46,208,100	\$53,261,300	\$46,943,800	\$53,529,000
FED	57,948,500	57,948,500	57,948,500	57,948,500
Bonding	<u>122,270,800</u>	<u>129,935,900</u>	<u>127,035,100</u>	<u>130,139,100</u>
Total	\$226,427,400	\$241,145,700	\$231,927,400	\$241,616,600

6. MAJOR HIGHWAY DEVELOPMENT -- PROJECT ENUMERATION

Governor/Legislature: Enumerate the following three major highway development projects in the statutes, as recommended by the Transportation Projects Commission. Major highway development projects must be enumerated in the statutes prior to construction.

<u>Highway</u>	<u>Project</u>	<u>Length (In Miles)</u>	<u>County</u>	<u>Estimated Cost in 2000 Dollars (In Millions)*</u>
STH 17	Rhineland Relocation	3.25	Oneida	\$11.5
STH 26	Janesville to Watertown	48.00	Rock, Jefferson & Dodge	160.0 to 187.0
I-39/USH 51	Wausau Beltline	8.00	Marathon	<u>120.5</u>
TOTAL				\$292.0 to \$319.0

* Excludes design cost.

[Act 16 Sections: 2300 thru 2302]

7. DELETE ENUMERATION OF COMPLETED MAJOR HIGHWAY DEVELOPMENT PROJECTS

Governor/Legislature: Delete 47 projects from the list of major highway development projects that DOT is authorized to construct. Delete a provision related to a jurisdictional transfer payment, which has already been made, associated with one of the deleted projects. These major highway development projects have been completed or included in the enumeration of a longer highway segment.

[Act 16 Sections: 2299 and 2305]

8. STATE HIGHWAY MAINTENANCE AND TRAFFIC OPERATIONS [LFB Paper 925]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
SEG	\$23,102,600	- \$9,638,500	\$13,464,100

Governor: Provide \$7,451,000 in 2001-02 and \$15,651,600 in 2002-03 for highway maintenance and traffic operations. This would provide increases of 5.4% in 2001-02 and 5.7% in 2002-03 for the program, calculated on a base that excludes costs related to salaries and fringe benefits for state employees. The increases provided would adjust the program for anticipated inflation (\$3,711,500 in 2001-02 and \$7,946,700 in 2002-03) and increases in the number of lane miles and amount of traffic on the state trunk highway system (\$3,739,500 in 2001-02 and \$7,704,900 in 2002-03)

Joint Finance/Legislature: Reduce funding by \$239,500 in 2001-02 and \$9,399,000 in 2002-03 to reflect the net effect of reducing funding to provide only an inflationary increase for the program, based on current projected rates of inflation of 2.7% in 2001-02 and 1.8% in 2002-03 (-\$3,739,500 in 2001-02 and -\$9,399,000 in 2002-03) and providing funding to restore a salt reserve that was depleted during the winter of 2000-01 (\$3,500,000 in 2001-02).

9. REESTIMATE HIGHWAY MAINTENANCE LOCAL FUNDS

SEG-L	\$481,000
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Governor/Legislature: Provide \$235,000 in 2001-02 and \$246,000 in 2002-03 in the local funds appropriation for state highway maintenance and traffic operations to reflect the estimated amount of non-state and non-federal funds utilized in the maintenance program. The increases would bring the totals in this appropriation to \$485,000 in 2001-02 and \$496,000 in 2002-03, which includes, for instance, funds from other states for maintenance on bridges that cross state borders, payments from the Department of Tourism for maintenance at tourist information centers and payments from businesses that advertise on specific information signs for the installation and maintenance of those signs.

10. EXPENDITURE AUTHORITY UNDER THE STATE HIGHWAY REHABILITATION AND STATE HIGHWAY MAINTENANCE AND TRAFFIC OPERATIONS PROGRAMS

Assembly: Modify the definition of "highway improvement" for the purposes of a statutory provision outlining DOT's duties and authority with respect to highway construction, as follows: (a) specify that the term includes the rehabilitation of a highway or street; (b) specify that the term excludes activities and operations incidental to building, fabricating or bettering a highway or street, but includes, as under current law, processes incidental to building, fabricating or bettering a highway or street; (c) specify that the term excludes improvements to a public mass transit system; and (d) specify that the term does not include the installation, replacement, rehabilitation or maintenance of highway signs, traffic control signals, highway lighting, pavement markings or intelligent transportation systems, unless incidental to building, fabricating or bettering a highway or street. Amend the provisions that establish DOT's authority for making expenditures from the appropriations for state highway rehabilitation and southeast Wisconsin freeway rehabilitation to specify that these appropriations may not be used for the installation, replacement, rehabilitation or maintenance of highway signs, traffic control signals, highway lighting, pavement markings or intelligent transportation systems, unless incidental to the improvement of existing state trunk and connecting highways. Amend the provisions that establish DOT's authority for making expenditures from the appropriations for state highway maintenance and traffic operations by replacing the phrase "for highway operations such as permit issuance, pavement marking, highway signing, traffic signalization and highway lighting" with the phrase "for permit issuance and other highway operations, including the installation, replacement, rehabilitation, or maintenance of highway signs, traffic control signals, highway lighting, pavement markings and intelligent transportation systems."

Specify that DOT may contract with a private entity, in addition to any county highway committee or municipality under current law, for the maintenance of state trunk highways. Specify that the maintenance activities include the installation, replacement, rehabilitation or maintenance of highway signs, traffic control signals, highway lighting, pavement markings and intelligent transportation systems.

Define "intelligent transportation system" as a specialized computer system or other electronic, information processing, communication or technical system, including roadway detector loops, closed circuit television, permanent variable message signs or ramp meters, that is used to improve the efficiency or safety of a surface transportation system.

Transfer \$27,000,000 SEG in 2001-02 from the SEG appropriation for state highway rehabilitation to the SEG appropriation for state highway maintenance and traffic operations to reflect a decision to provide a one-time supplement for the maintenance program to allow DOT to absorb additional costs in that program that would result from this item.

Conference Committee/Legislature: Include the Assembly provision, but permit DOT to submit a request under s. 13.10 of the statutes to the Joint Committee on Finance for transferring up to \$10,000,000 in 2002-03 from the SEG appropriation for state highway rehabilitation to the

SEG appropriation for state highway maintenance and traffic operations to move funds allocated for the installation of traffic signals, street lighting, pavement marking, highway signs and intelligent transportation systems. Specify that such a request shall be made for the Committee's fourth quarterly meeting in 2001-02. Eliminate the Assembly provision that would allow DOT to contract with a private entity for the maintenance of state trunk highways and, instead, specify that DOT may contract with a private entity for services or materials or both associated with the installation, replacement, rehabilitation or maintenance of highway signs, traffic control signals, highway lighting, pavement markings and intelligent transportation systems.

Veto by Governor [B-108]: In vetoing a separate provision related to the reconstruction of the Marquette Interchange in Milwaukee, the Governor vetoed a provision that would have prohibited DOT from expending funds in the FED appropriation for state highway rehabilitation on the installation, replacement or maintenance of highway signs, traffic control signals, highway lighting, pavement markings or intelligent transportation systems, unless such installation is incidental to the improvement of existing state trunk and connecting highways. The Governor's veto message does not address this veto and DOA indicates that the veto of this provision was an error.

[Act 16 Sections: 656k, 656m, 659b thru 660, 662, 2294pe, 2307g, 2307gg and 9152(7q)]

[Act 16 Vetoed Section: 658t]

11. DAMAGE CLAIMS APPROPRIATION

PR	\$3,700,000
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Governor/Legislature: Create a PR, continuing appropriation in DOT for costs associated with the repair or replacement of losses of and damage to state property. Specify that moneys received as payment for such losses and damage shall be credited to this appropriation. Provide \$1,850,000 annually in this appropriation to estimate the level of these payments and costs. Currently, DOT accounts for payments for damage to property, such as damage to signs or bridges caused by motor vehicle accidents, as a refund of expenditures. The State Controller, however, has determined that this is not a legitimate use of this accounting mechanism and has recommended, instead, that a PR appropriation be created for this purpose.

[Act 16 Sections: 665 and 1122]

12. UTILITY FACILITIES WITHIN HIGHWAY RIGHTS-OF-WAY

Governor/Legislature: Create a PR, continuing appropriation for activities related to locating, accommodating, operating or maintaining utility facilities within highway rights-of-way. Specify that moneys received for such activities by DOT from telecommunications providers or cable telecommunications service providers shall be credited to this appropriation. Permit DOT, upon finding that it is feasible and advantageous to the state, to negotiate and

enter into an agreement to accept either of the following as payment for the accommodation of utility facilities within highway rights-of-way: (a) any plant or equipment used for the conveyance by wire, optics, radio signal or other means, of voice, data or other information at any frequency over any part of the electromagnetic spectrum; or (b) any services associated with the collection, storage, forwarding, switching and delivery incidental to such communication. Specify that any such agreement would not be subject to certain low bid requirements or oversight duties of DOA, but would be subject to certain requirements related to the payment of interest for late payments under a contract by an agency, the purchase, if applicable, of certain materials, supplies or services from work centers for severely handicapped individuals and the purchase of materials manufactured in the United States.

Create a SEG-S appropriation in DOT for costs associated with providing other state agencies with telecommunications services accepted by DOT in exchange for the accommodation of utility facilities within highway rights-of-way and credit payment for such services from other state agencies to this appropriation. Specify that this appropriation would not apply to services provided under DOT's public safety radio program.

DOT currently accepts telecommunication facilities or services from utilities in exchange for the accommodation of those facilities in highway rights-of-way. This item would create explicit authority for the Department to accept these in-kind payments and would create an appropriation for the costs associated with providing telecommunication services to other state agencies. This item would also create an appropriation for the costs associated with accommodating the placement of utility facilities and to accept payment for those costs. Currently, fees charged for such services are deposited in the transportation fund, but are not automatically appropriated to cover the costs of such accommodation. The bill would not reflect an estimated amount in these new appropriations since there is little experience related to these payments on which to base an estimate. The Department indicates that, in future biennia, estimated expenditures and payments may be reflected in the appropriations schedule of the statutes (Chapter 20).

[Act 16 Sections: 664, 666, 1121 and 2295]

13. SCENIC BYWAYS PROGRAM

Governor/Legislature: Delete explicit authorization to fund activities under the scenic byways program from the SEG, FED and SEG-L appropriations for state highway maintenance, repair and traffic operations. DOT indicates that, with this item, scenic byways activities would be funded from these or other appropriations depending upon the type of activity, using existing, general statutory authority. For instance, the installation of a sign identifying a scenic highway may be funded from the highway maintenance, repair and traffic operations appropriations, but the construction of safety improvements on a scenic byway may be funded from the state highway rehabilitation appropriations.

[Act 16 Sections: 660 thru 662]

14. VEGETATION REMOVAL ALONG HIGHWAYS BY OWNERS OF BUSINESSES OR OUTDOOR ADVERTISING SIGNS

Senate: Specify that a person who maintains a majority ownership interest in a business adjacent to the highway right-of-way or a business advertised on a sign located along a highway may trim or remove any vegetation located in the highway right-of-way if all of the following apply: (a) the vegetation obstructs the view of the business or sign such that the business or sign cannot be viewed for six uninterrupted seconds by a person traveling along the highway at the posted speed limit; (b) the person pays the cost of trimming or removing the obstructing vegetation, including the cost of cleanup and disposal and for replacing any removed vegetation, including the cost of purchasing and planting the replacement vegetation; (c) the person replaces the removed vegetation with comparable vegetation along the same highway right-of-way, provided that the person may not locate the replacement vegetation in a manner that obstructs, or will obstruct in the foreseeable future, the view from the highway of another existing business or sign; (d) no state funds are expended for the trimming, removal or replacement of vegetation; and (e) the owner of the land on which an obstructed sign is erected does not object to the trimming or removal of vegetation. Define "vegetation" as any tree, shrub, hedge or other foliage.

Assembly: Specify that a person who maintains a majority ownership interest in a business adjacent to the highway right-of-way or owns an outdoor advertising sign located along a highway may trim or remove any vegetation located in the highway right-of-way if all of the following apply (a) the vegetation obstructs the view of the business or sign such that the business or sign cannot be viewed for six uninterrupted seconds by a person traveling along the highway at the posted speed limit; (b) the person pays the cost of trimming or removing the obstructing vegetation, including the cost of cleanup and disposal, and for replacing any removed vegetation, including the cost of purchasing and planting the replacement vegetation; (c) the person replaces the removed vegetation with comparable vegetation along the same highway right-of-way, provided that the person may not locate the replacement vegetation in a manner that obstructs, or will obstruct in the foreseeable future, the view from the highway of another existing business or sign; and (d) the person has obtained a permit from DOT for trimming or removing vegetation from the highway right-of-way. Require DOT to issue permits to eligible applicants for the trimming or removal of vegetation located in a highway right-of-way. Require DOT to grant or deny a request for a permit to trim or remove vegetation along the highway right-of-way within 30 days of the receipt of an application. Specify that such a permit shall specify the vegetation or the portion of the highway right-of-way to which the permit applies. Define "vegetation" as any tree, shrub, hedge or other foliage.

Conference Committee/Legislature: Specify that a person who maintains a majority ownership interest in a business adjacent to the highway right-of-way or a business advertised on a sign located along a highway may trim or remove any vegetation located in the highway right-of-way if all of the following apply: (a) the vegetation obstructs the view of the business or sign such that the business or sign cannot be viewed for six uninterrupted seconds by a person traveling along the highway at the posted speed limit; (b) the person pays the cost of trimming

or removing the obstructing vegetation, including the cost of cleanup and disposal and for replacing any removed vegetation, including the cost of purchasing and planting the replacement vegetation; (c) the person replaces the removed vegetation with comparable vegetation along the same highway right-of-way, provided that the person may not locate the replacement vegetation in a manner that obstructs, or will obstruct in the foreseeable future, the view from the highway of another existing business or sign; (d) no state funds are expended for the trimming, removal or replacement of vegetation; (e) the owner of the land on which an obstructed sign is erected does not object to the trimming or removal of vegetation; and (f) the person has obtained a permit from DOT for trimming or removing vegetation from the highway right-of-way. Require DOT to issue permits to eligible applicants for the trimming or removal of vegetation located in a highway right-of-way. Require DOT to grant or deny a request for a permit to trim or remove vegetation along the highway right-of-way within 30 days of the receipt of an application. Specify that such a permit shall specify the vegetation or the portion of the highway right-of-way to which the permit applies. Define "vegetation" as any tree, shrub, hedge or other foliage. Specify that this provision only applies to highways under the jurisdiction of DOT.

Veto by Governor [B-118]: Delete provision.

[Act 16 Vetoes Section: 2340vg]

15. LOCATIONS OF HIGHWAY REST AREAS

Assembly/Legislature: Prohibit DOT from constructing any rest area along or in close proximity with a state trunk highway at a location that is within a radius of five miles from an exit from the highway that provides access to motorist services, as defined for the purposes of the specific information sign program, first applying to construction of rest areas commenced on the effective date of the bill. Specify that this restriction does not apply to rest areas to be located within five miles of the state border or to any rest area that may be located near the Village of Belmont in Lafayette County. Specify that the total amount of any proposed expenditures or encumbrances that DOT does not make in the 2001-03 biennium as a result of this provision shall be expended or encumbered in the 2001-03 biennium to reopen previously closed rest areas or to keep open rest areas that are proposed for closure in areas where other rest areas and motorist services are not available.

Veto by Governor [B-110]: Delete provision.

[Act 16 Vetoes Sections: 2307f, 9152(3wy) and 9352(3wy)]

16. CONFIDENTIALITY OF CERTAIN INFORMATION COLLECTED FOR THE DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

Governor/Legislature: Prohibit DOT from disclosing to any person any information that is requested by the Department for the purposes of complying with federal disadvantaged business enterprise program requirements and that relates to an individual's statement of net worth, a statement of experience, or a company's financial statement, including the gross receipts of a bidder. Specify that this prohibition would not apply if the information is provided to any of the following: (a) the person to whom the information relates; (b) any person who has the written consent of the person to whom the information relates to receive such information; or (c) any person who is specifically authorized to receive that information under current federal law.

[Act 16 Section: 2296]

17. SMALL BUSINESS ENTERPRISE DEMONSTRATION AND TRAINING PROGRAM

Senate: Require DOT to administer a demonstration and training program for the purpose of developing the capability of small businesses to participate in construction projects funded under the aeronautics assistance, local transportation facility improvement assistance and state highway programs. Require DOT to establish requirements for programs of preapprenticeship training and management and technical assistance designed to develop the expertise of small businesses in transportation construction. Define a "small business" as a business whose average gross receipts over the previous three years is \$4,500,000 or less, if the person or persons owning the business have a net worth of \$750,000 or less.

Modify a current law provision that requires DOT to allocate \$4,000,000 annually from the appropriations for the major highway development, state highway rehabilitation and state highway maintenance and traffic operations programs for the awarding of contracts under those programs to disadvantaged businesses, as follows: (a) require DOT to allocate funds for contracts for small businesses, instead of disadvantaged businesses; (b) increase the annual amount that DOT must allocate from \$4,000,000 to \$25,000,000; and (c) include the appropriations for local bridge and local transportation facility improvement assistance and aeronautics assistance in the list of appropriations from which the allocation may be made. Require DOT to consult with representatives of the transportation contracting industry, including businesses owned by minorities and women, in deciding which contracts are included in the allocation under this program. Specify that the estimated cost of contracts under the small business allocation shall be between \$50,000 and \$750,000 and specify that such contracts may be awarded to joint ventures that include a small business.

Conference Committee/Legislature: Delete provision.

18. UNIFIED DISADVANTAGED BUSINESS ENTERPRISE CERTIFICATION PROGRAM

Assembly/Legislature: Establish a unified disadvantaged business enterprise (DBE) certification program in compliance with federal DBE program requirements, for the purposes of administering DOT's disadvantaged business enterprise program. Define a "certifying authority" as the Department of Transportation or any county, city, village or town authorized by DOT to certify a business as a disadvantaged business.

Require DOT, not later than the first day of the fourth month beginning after publication of the bill, to certify as a DBE under the unified program any business that, on the date of publication, possesses a valid certification as a DBE issued by DOT under current law. Specify that DOT is not required to review any documentation in certifying such a business that would otherwise be required under these modifications.

Specify that any business may apply to a certifying authority for certification as a disadvantaged business and that all such applications shall be sworn and notarized. Require a certifying authority to: (a) certify as a disadvantaged business any business that meets the federal requirement for such certification; (b) follow all certification procedures and standards provided in federal regulations; (c) make certification determinations in strict conformance with federal guidelines; and (d) complete its review and issue a decision concerning an application within 90 days after receiving the completed application, or within 150 days if, within 90 days, the certifying authority provides written notice to the applicant specifying the reasons for the extension. Specify that no person may certify a business as a disadvantaged business for purposes of the federal DBE program except as provided in this unified certification procedure. Specify that a certifying authority may charge and collect reasonable fees for reviewing a certification application. Specify that no DBE certification for the purpose of federal transportation assistance programs approved before the effective date of the bill is valid for contracts executed after the last day of the fifth month beginning after the effective date of the bill. Specify that only a business certified under the unified certification program qualifies as a DBE beginning on the first day of the sixth month beginning after the effective date of the bill.

Specify that a certification under the unified program is valid for three years, unless the Department removes certification because of a change in the business's size, disadvantaged status, ownership or control, or if the certification is removed under procedures for removing certification as outlined in federal regulations. Specify that a certifying authority may not require a business that is certified under the unified program to reapply during the three-year period after its certification, unless the factual basis on which the certification is made materially changes.

Require a business certified as a disadvantaged business to notify DOT, by sworn and notarized statement, within 30 days after a change in the business's size, disadvantaged status, ownership or control that could preclude its certification as a disadvantaged business under federal regulations. Require a business certified as a disadvantaged business to submit annually to DOT a sworn, notarized statement attesting that there have been no changes to the business's size, disadvantaged status, ownership or control, or gross receipts, that would preclude its

certification as a disadvantaged business under federal regulations. Specify that such a notice shall include a statement that the business meets the size and gross receipts criteria for certification, and shall include documentary evidence supporting that statement. Require DOT to remove the certification of any disadvantaged business that fails to provide the statement within 13 months after certification under the program or within 13 months after it last submitted to the Department the information required under the program, whichever is later. Require a certifying authority to cooperate with any directive from the federal government under the authority granted under federal regulations concerning certification.

Specify that a certifying authority is not required to review an application submitted by a business that has its principal place of business in another state, unless the business is certified as a disadvantaged business under a unified certification program that strictly conforms to federal regulations and to which that other state is a party, unless DOT has entered into a reciprocal certification agreement with that other state that strictly conforms to federal regulations. Authorize DOT to enter into such a reciprocal agreement and specify that such an agreement may authorize the other state to certify as a disadvantaged business any business that is based in Wisconsin, or may authorize the Department to certify as a disadvantaged business any business based in that other state.

Specify that if the Department receives an application for a business that is certified as a disadvantaged business under a federally approved unified certification program pursuant to federal regulations, the Department may do any of the following: (a) grant certification in reliance of the prior certification determination; (b) make an independent certification determination based on material submitted by the other certifying agency, supplemented by whatever additional information the Department may request from the applicant; or (c) require the applicant to undergo the application process without regard to the other certification. Require a certifying authority that is not the Department to forward to the Department any certification application from a business that is certified as a disadvantaged business under a federally approved unified certification program.

Require DOT to maintain a list of all businesses certified as a disadvantaged business by a certifying authority or by a state that is a party to a reciprocal certification agreement. Specify that the list shall include the business name, address, telephone number and types of work the business is certified to perform as a disadvantaged business. Require DOT to make the list and any updated information available to any person, at no charge, on the Internet and in printed format. Require DOT to update the list at least annually, except that the electronic list available on the Internet shall include additions, deletions or other changes to the list as soon as the Department makes such an addition, deletion or other change. Specify that no person may use the DBE list prepared by DOT under current law for bids first advertised after the last day of the fifth month beginning after publication of the bill.

Specify that any municipality, county or other person that accepts federal moneys from DOT's federal appropriations for transit, aeronautics, local bridge, local transportation facility improvement or state highway programs or accepts other federal moneys for highway, transit

or airport purposes, after the effective date of the bill, is considered to have given consent to the unified certification program. Allow DOT to authorize any county, city, village or town to certify a business as a disadvantaged business. Specify that the authorization shall be in writing and shall require the local government to conform strictly to the standards and processes provided under the unified program by statute or by DOT rule. Specify that the authorization shall be valid for one year and shall require the local government to provide written notice to DOT of any certification decision. Specify that such written notice shall include all of the information contained in the DBE directory maintained by DOT. Specify that no local government authorized by DOT as a certifying authority may hear any appeals or complaints regarding certification decisions.

Specify that any business whose application for certification is denied, or is not reviewed within the time limits established under the unified program or whose certification is removed, may appeal that action as provided in federal regulations. Specify that any person may file with DOT a signed, written complaint that a business that a certifying authority has certified under the program is not eligible for such certification. Require DOT to investigate complaints that it finds are supported by credible evidence and specify that if, upon investigation, the Department finds reasonable cause to believe that a business is not eligible for certification, the Department shall notify the business of its findings in writing and shall proceed in the manner provided under federal regulations governing the procedures for removing DBE certification.

Include a provision in the Joint Committee on Finance's substitute amendment (see Item #16) that requires DOT to keep confidential, with certain exceptions, information provided to DOT regarding a business under the DBE program, in the provisions creating the unified certification program, with the following modifications: (a) apply the confidentiality requirements to any certifying authority, instead of just the Department; (b) add an exception to the confidentiality requirements that allows the U.S. Department of Transportation to receive such information if the certifying authority discloses the information for the purposes of a certification appeal proceeding in which the disadvantaged status of the individual is in question; and (c) add other exceptions allowing a certifying authority that is not the Department to provide information to the Department and allowing the Department to provide information to another certifying authority.

Specify that these provisions do not apply if federal law does not require the state, as a condition of using federal funds, to establish goals for participation of disadvantaged businesses or the employment of disadvantaged individuals in projects using federal funds. Reorganize statutory provisions related to disadvantaged business enterprise programs to accommodate the unified certification program.

Federal law requires states, as a condition of receiving federal transportation aid, to administer a program designed to increase the participation of disadvantaged business enterprises in transportation contracts. Among the federal requirements is a requirement that all recipients of federal transportation aid use a unified procedure for certifying a business as a

disadvantaged business enterprise, by March, 2002. This provision would put the state in compliance with this requirement.

[Act 16 Sections: 2307gm, 2307je thru 2307jh, 2307jk thru 2307jm and 9152(2vx)]

19. EMERGENCY PREEMPTION DEVICES ON TRAFFIC SIGNALS INSTALLED ON THE STATE TRUNK HIGHWAY SYSTEM

Joint Finance: Require DOT to install an emergency preemption device and a confirmation signal on any traffic control signal installed by the Department on the state trunk highway system if the following apply: (a) the political subdivision (defined as a county, city, village or town) in which the signal is located requests the installation of such a device; and (b) one or more political subdivisions contributes 50% of the additional cost of the emergency preemption device and confirmation signal. Require DOT to do all of the following before installing a new traffic control signal on a state trunk highway: (a) notify the political subdivision of the planned installation and the additional cost of equipping the traffic control signal with an emergency preemption device and confirmation signal; and (b) allow the political subdivision the opportunity to request that the traffic control signal be equipped with an emergency preemption device and confirmation signal. Specify that these provisions do not prohibit DOT from installing any traffic control signal equipped with an emergency preemption device and confirmation signal on a state trunk highway at the Department's expense and specify that the Department may do so without notifying the political subdivision or allowing the political subdivision to request the installation of such a device. Require DOT, when installing a new emergency preemption device under these circumstances, to also install a confirmation signal.

Specify that any traffic control signal installed by the Department on a state trunk highway after the first day of the seventh month beginning after the effective date of the bill shall include all electrical wiring necessary to equip the signal with an emergency preemption device and confirmation signal if the traffic control signal is not equipped with an emergency preemption device.

Require DOT to promulgate rules to implement and administer these provisions, including procedures and deadlines for the Department's notification of political subdivisions and the subsequent requests and contributions to the Department.

Specify that any traffic control signal that is equipped with an emergency preemption device and that is installed by local authorities after the first day of the seventh month beginning after the effective date of the bill must be installed with a confirmation signal.

Define the following terms: (a) "emergency preemption device" as an electrical device located on or within a traffic control signal that is designed to receive an electronic, radio, or sonic transmission from an approaching authorized emergency vehicle that alters the normal sequence of the traffic control signal to provide or maintain a green signal for the authorized

emergency vehicle to proceed through the intersection; (b) "confirmation signal" as a white signal located on or near a traffic control signal equipped with an emergency preemption device that is designed to be visible to the operator of an approaching authorized emergency vehicle and that confirms to the operator that the emergency preemption device has received a transmission from the operator; (c) "traffic control signal" as any electrical device by which traffic is alternately directed to stop and permitted to proceed by means of exhibiting different colored lights successively; (d) "authorized emergency vehicle" as police vehicles, vehicles of a fire department or fire patrol and publicly or privately owned ambulances that are authorized as emergency vehicles; and (e) "additional cost" as the difference in cost between installation of a traffic control signal that is equipped with an emergency preemption device and confirmation signal and installation of a traffic control signal that is not so equipped, including the difference in incidental costs such as electrical wiring.

Specify that these provisions first apply to traffic control signals that are installed on the first day of the seventh month beginning after the effective date of the bill.

Assembly/Legislature: Delete provision.

20. PAYMENT OF DAMAGES TO A LOCAL GRAVEL ROAD CAUSED BY UNOFFICIAL DETOURS

Joint Finance: Require DOT to pay, in whole or in part, any claims submitted to the Department by a city, village, town or county for damage to any gravel road maintained by the local government that is determined by DOT to be caused by reason of the road's use as a detour incident to the maintenance, repair or construction by DOT of any state trunk highway if the gravel road is not part of a detour route designated by the Department. Specify that the local government shall include with the claim, on a form prescribed by the Department, a description of the nature and cause of the alleged damage, the asserted value of the claim and all known evidence in support of the claim. Specify that DOT shall consider all the following factors in considering such a claim: (a) the condition of the gravel road at the time the claim was submitted; (b) the condition of the gravel road, if known, immediately prior to its use as a detour incident to the maintenance, repair or construction by the Department of the state trunk highway; (c) the proximity and convenience of the gravel road to the state trunk highway and to any applicable detour route; (d) the extent of truck traffic in the vicinity of the state trunk highway and the gravel road; and (e) any other factors or evidence submitted by the local government with its claim. Specify that the payment of such a claim shall be made from the appropriations for the state highway program. Require DOT to promulgate rules to implement and administer these provisions. Specify that this provision would first apply to damage incurred on the general effective date of the bill.

Assembly: Delete provision.

Conference Committee/Legislature: Include Joint Finance provision.

Veto by Governor [B-97]: Delete provision.

[Act 16 Vetoed Sections: 2308m and 9352(1f)]

21. DOT REPORTING REQUIREMENTS

Joint Finance/Legislature: Require DOT to prepare the following: (a) a report, by January 15, 2003, and biennially thereafter, showing transportation revenues and funding for transportation programs for at least the 15 years preceding the report, including changes to funding levels following the enactment of biennial budget bills and an explanation of major changes in the funding levels for appropriations included in the most recent biennial budget act; (b) a report, by September 15, 2002, and biennially thereafter, providing statistics on the condition and performance of state trunk highways, including pavement smoothness and distress, geometric deficiencies, safety problems, structural and functional bridge deficiencies and traffic congestion; and (c) a report, by June 1, 2002, and annually thereafter, showing the current schedule for the construction of enumerated major highway projects, including the projected expenditures in each fiscal year for each project. Specify that these reports shall be delivered to the chief clerk of each house of the Legislature for distribution to the appropriate standing committee dealing with transportation matters in each house of the Legislature. Specify that the report showing the schedule of major highway development projects shall, in addition, be submitted to the Transportation Projects Commission.

Veto by Governor [B-115]: Delete provision.

[Act 16 Vetoed Sections: 2296m, 2302m and 2305g]

22. AGRICULTURAL TOURISM SIGNS

Joint Finance: Require DOT to develop and implement a plan, consistent with federal and state laws, to promote and maximize the erection of agricultural tourism signs on highways in Wisconsin to identify and provide directional information to any agricultural tourism facility located in Wisconsin. Require DOT to consult with the Department of Agriculture, Trade and Consumer Protection in developing and implementing the plan.

Assembly/Legislature: Modify the Joint Finance provision by specifying that DOT must implement the agricultural tourism sign plan by March 1, 2002. Specify that eligible signs will identify and provide directional information to any agricultural tourism facility. Define "agricultural tourism facility" as a facility in this state that is open to the public at least four days a week a minimum of three months that: (a) markets Wisconsin farm products; (b) processes and markets agricultural products, of which at least 50% are grown and produced in Wisconsin; or (c) promotes tourism by providing tours and on-site sales or samples of Wisconsin agricultural products. Specify that DOT may assess and collect from an agricultural tourism facility the actual costs of erection of any agricultural tourism sign that identifies and provides

directional information to the facility, unless the sign is a "trailblazer sign," as defined by DOT rule. Require local authorities to permit the erection of a trailblazer sign that identifies and provides directional information to an agricultural tourism facility on a local highway if the facility is located more than five miles from the highway and the local authority assesses and collects from the facility the actual costs of erecting the trailblazer sign.

Veto by Governor [B-113]: Delete provision.

[Act 16 Vetoes Section: 2340y]

23. OUTDOOR ADVERTISING SIGNS OWNED BY NON-PROFIT ENTITIES

Assembly: Specify that a provision that allows DOT to promulgate a rule establishing an annual outdoor advertising permit fee does not apply to the following: (a) an off-premises advertising sign that is owned by a nonprofit organization; and (b) a sign that has been permanently removed by the owner of the sign, even if the Department was not notified of the sign's removal.

Conference Committee/Legislature: Include the Assembly provision, but specify that the authority to promulgate a rule establishing annual permit fee does not apply to signs owned by religious organizations, instead of signs owned by nonprofit organizations.

Veto by Governor [B-118]: Delete provision.

[Act 16 Vetoes Sections: 2308sr and 2308st]

24. HIGHWAY INTERCHANGES FOR MAJOR HIGHWAY DEVELOPMENT PROJECTS

Joint Finance/Legislature: Require DOT to include interchanges, with a grade separation at each interchange ramp, as follows: (a) at the intersection of STH 57 and CTH P in Brown County, when the Department constructs the major highway development project on STH 57 between STH 54 and CTH A in Brown and Kewaunee counties; and (b) at the intersection of USH 141 and CTH B in Marinette County, when the Department constructs the major highway development project on USH 141 between STH 22 and STH 64 in Oconto and Marinette counties.

Veto by Governor [B-106]: Delete provision.

[Act 16 Vetoes Sections: 2302e and 2302g]

25. EXPANSION OF USH 12 IN SAUK COUNTY

Joint Finance: Require DOT, when it constructs the major highway development project on USH 12 between Ski Hi Road and I-90/94 in Sauk County, to construct the segment of USH 12, as it is designated on the effective date of the bill, between Fern Dell Road and Old Highway 33 in Sauk County to five lanes, and specify that the Department may not require a matching fund contribution from any city, village, town or county for this construction.

Assembly: Modify the Joint Finance provision extending the southern terminus of the five-lane highway from Old Highway 33 to Terrytown Road in the Town of Baraboo.

Conference Committee/Legislature: Include Joint Finance provision.

Veto by Governor [B-106]: Delete provision.

[Act 16 Vetoed Section: 2302c]

26. LIFE CYCLE COST STATEMENTS FOR PROPOSED MAJOR HIGHWAY DEVELOPMENT PROJECTS

Senate/Legislature: Require DOT to provide a life cycle cost statement to the Governor, the Transportation Projects Commission, the Building Commission and the Joint Committee on Finance for each proposed major highway development project presented to the Transportation Projects Commission for consideration for enumeration. Specify that each such statement shall include an estimate of the costs of constructing, maintaining, resurfacing, minor and major reconditioning, policing, plowing, painting, signing and reconstructing the potential project through the first time that the project needs to be reconstructed.

Veto by Governor [B-104]: Delete provision.

[Act 16 Vetoed Section: 108o]

27. HIGHWAY CORRIDOR PLANNING GRANT PROGRAM

Assembly/Legislature: Require DOT to administer a highway corridor planning grant program to award grants to cities, villages, towns, counties, regional planning commissions or metropolitan planning organizations for highway corridor planning activities. Specify that DOT may not expend more than \$500,000 for grants under the program in any fiscal year and specify that the grants shall be made from the SEG appropriation for major highway development. Define "highway corridor" as the area up to ten miles on either side of a state trunk highway that is expected by the Department to need additional capacity for vehicular traffic or to have possible safety or operational problems resulting from pressure for development adjacent to the highway.

Veto by Governor [B-107]: Delete provision.

[Act 16 Vetoed Sections: 654t and 2310m]

28. USH 10 COMPLETION DEADLINE

Assembly: Require DOT to complete any major highway development project involving USH 10 from Marshfield to Stevens Point by December 31, 2010.

Conference Committee/Legislature: Include the Assembly provision, but change the project deadline to December 31, 2013.

Veto by Governor [B-106]: Delete provision.

[Act 16 Vetoed Section: 2302gg]

29. STUDY OF IMPROVEMENTS TO STH 11/USH 14 BETWEEN JANESVILLE AND I-43

Senate/Legislature: Require DOT to conduct a study of the transportation corridor between Janesville and I-43 along STH 11 and USH 14. Specify that the study shall develop and evaluate various alternatives for improving the capacity and safety of transportation in the corridor. Require DOT to consult with local units of governments on the study design and methodology and require the Department to cooperate with the City of Janesville, Rock County and Walworth County in completing the study. Specify that if the Department concludes after the study that improvements in the corridor require construction of a major highway development project on STH 11/USH 14, the Department shall present this project for consideration by the Transportation Projects Commission (TPC) when the Commission meets to consider potential projects for enumeration as a major highway development project in 2004. Specify that a current law provision that requires DOT to get approval from the TPC prior to conducting an environmental impact statement or environmental assessment on a potential major highway development project does not apply to this study.

Veto by Governor [B-115]: Delete provision.

[Act 16 Vetoed Section: 2302k]

30. LOCATION STUDY AND ENVIRONMENTAL ASSESSMENT FOR STH 15/USH 45 IN OUTAGAMIE COUNTY

Assembly: Require DOT to allocate \$400,000 in 2001-02 from the appropriations for major highway development to conduct a location study and environmental assessment for a project on STH 15/USH 45 between Greenville and New London in Outagamie County. Specify that a current law provision that requires DOT to get approval from the Transportation Projects

Commission prior to conducting an environmental impact statement or environmental assessment on a potential major highway development project does not apply to this study.

Conference Committee/Legislature: Reduce the amount that DOT is required to allocate for the study from \$400,000 to \$200,000.

Veto by Governor [B-115]: Delete provision.

[Act 16 Vetoed Section: 9152(5yq)]

31. USH 12 IN THE VILLAGE OF CAMBRIDGE

Joint Finance/Legislature: Prohibit DOT from widening the portion of USH 12 in the Village of Cambridge between the intersection of USH 12 and USH 18 and the Koshkonong Creek bridge during any reconstruction or other repair of that portion of highway that occurs between the effective date of the bill and December 31, 2011.

Veto by Governor [B-106]: Delete provision.

[Act 16 Vetoed Section: 2305k]

32. SIDEWALK RECONSTRUCTION IN WISCONSIN RAPIDS

	Jt. Finance (Chg. to Base)	Legislature (Chg. to JFC)	Net Change
SEG	\$2,000	- \$2,000	\$0

Joint Finance: Require DOT, not later than June 30, 2003, to reconstruct the sidewalk on the south side of Plover Road (STH 54) between the railroad tracks and 36th Street in the City of Wisconsin Rapids. Specify that the reconstructed sidewalk shall be seven feet in width and six inches in depth. Provide \$2,000 in 2001-02 in the state highway rehabilitation SEG appropriation to fund this reconstruction.

Assembly/Legislature: Delete provision.

33. STATE TRUNK HIGHWAY BRIDGE DESIGNATIONS

Joint Finance/Legislature: Require DOT to designate and mark bridges on the state trunk highway system by June 30, 2003, as follows: (a) the bridge on I-43 across the Fox River in the City of Green Bay as the "Leo Frigo Memorial Bridge" in recognition and appreciation of Leo Frigo, a civic and philanthropic leader in the Green Bay area whose legacy includes one of the largest food pantry programs in the nation for feeding the hungry; and (b) the bridge on USH

45 across the South Branch of the Embarrass River in the Village of Tigerton in Shawano County as the "Gateway to the North" to serve as a welcome to visitors to northern Wisconsin.

Veto by Governor [B-117]: Delete provision.

[Act 16 Vetoed Sections: 2307k and 2307r]

34. DONALD K. "DEKE" SLAYTON MEMORIAL HIGHWAY

Assembly/Legislature: Require DOT to designate and, if interested parties, including any county, city, village or town, make a contribution to cover the cost, mark STH 27 commencing at Sparta and proceeding southerly to Cashton as the "Donald K. 'Deke' Slayton Memorial Highway" as a living memorial to and in honor of Donald K. "Deke" Slayton, who brought credit to this state and, in particular, Monroe County for his contribution to this country's space program as one of the seven original astronauts and as a participant in the first joint United States-Soviet space mission. Specify that that no state funds, other than contributions received from interested parties, may be used for the erection or maintenance of the highway designation signs.

[Act 16 Section: 2307m]

35. TRAFFIC SIGNALS ON STATE TRUNK HIGHWAYS

Joint Finance: Require DOT, not later than June 30, 2003, to install traffic signals at the following locations: (a) at the intersection of USH 63 and West Beaver Brook Avenue in the City of Spooner in Washburn County; and (b) at the intersection of STH 48 and STH 70 in the Village of Grantsburg in Burnett County.

Senate: Require DOT to install traffic signals at the intersection of STH 38 and Oakwood Road in the City of Oak Creek by June 30, 2003.

Assembly: Delete the Joint Finance provision that would require DOT to install traffic signals in the City of Spooner in Washburn County. Require DOT, no later than December 31, 2001, to install traffic signals at the intersection of STH 16 and Brickl Road in the Village of West Salem in La Crosse County.

Conference Committee/Legislature: Include the Joint Finance and Senate provisions and the Assembly provision that would require DOT to install traffic signals in the Village of West Salem.

Veto by Governor [B-111]: Delete the provisions requiring the installation of signals in the City of Spooner and in the City of Oak Creek.

[Act 16 Section: 9152(6d)&(6r)]

[Act 16 Vetoed Section: 9152(6dd)&(6x)]

36. HIGHWAY SIGNS FOR WAYLAND ACADEMY IN DODGE COUNTY

Joint Finance/Legislature: Require DOT, no later than June 30, 2003, to erect directional signs along USH 151 in the vicinity of STH 33 for Wayland Academy, located in the City of Beaver Dam in Dodge County.

Veto by Governor [B-112]: Delete provision.

[Act 16 Vetoed Section: 9152(6e)]

37. HIGHWAY SIGNS ON I-43 NEAR THE CITY OF DELAVAN

Senate/Legislature: Require DOT, no later than June 30, 2003, to erect signs along I-43 approaching the City of Delavan identifying the city's downtown as a "Historic Downtown" and providing directional information to that area.

Veto by Governor [B-112]: Delete provision.

[Act 16 Vetoed Section: 9152(6pp)]

38. HIGHWAY SIGNS FOR DOWNTOWN GREENDALE

Assembly/Legislature: Require DOT, no later than 60 days after the effective date of the bill, to erect two signs, one for each direction of travel, along I-43/894 approaching the 60th Street exit in the City of Greenfield in Milwaukee County providing directional information to downtown Greendale.

Veto by Governor [B-112]: Delete provision.

[Act 16 Vetoed Section: 9152(6s)]

39. HIGHWAY SIGNS FOR THE CLEAR LAKE ALL VETERANS' MEMORIAL AND CEMETERY

Assembly/Legislature: Require DOT, no later than June 30, 2002, to erect two directional signs along USH 63 in the Clear Lake region in Polk County for the Clear Lake All Veterans' Memorial and Cemetery.

Veto by Governor [B-112]: Delete provision.

[Act 16 Vetoed Section: 9152(6h)]

40. HIGHWAY SIGNS ON STH 29 AND STH 107 IN MARATHON COUNTY

Senate/Legislature: Require DOT, no later than June 30, 2003, to erect two highway signs, one for each direction of travel, along STH 29 in Marathon County and two highways signs, one for each direction of travel, along STH 107 in Marathon County. Specify that each sign shall identify and provide directional information to the area that is commonly known as "Little Chicago" and shall be erected near the highway exit providing the most direct route from the highway to the area that is commonly known as "Little Chicago."

Veto by Governor [B-112]: Delete provision.

[Act 16 Vetoed Section: 9152(6q)]

41. SPEED LIMIT ON STH 58 IN JUNEAU COUNTY

Joint Finance/Legislature: Establish the maximum speed limit on STH 58 in Juneau County, as follows: (a) 35 miles per hour from I-90/94 in the City of Mauston to Fairway Lane in the Town of Lisbon; and (b) 45 miles per hour from Fairway Lane to Welch Prairie Road in the Town of Lisbon. Prohibit DOT from modifying these established speed limits under provisions that give the Department the authority to establish different speed limits than those established by statute under certain circumstances. Extend current law provisions related to the posting of speed limits and forfeitures for exceeding speed limits to these newly-established limits.

Veto by Governor [B-114]: Delete provision.

[Act 16 Vetoed Sections: 3442g thru 3442m, 3456m and 3456p]

42. PEDESTRIAN CROSSING OF USH 45 IN WINNEBAGO COUNTY

Joint Finance: Require DOT to construct a grade-separated pedestrian crossing of USH 45 in the Town of Clayton in Winnebago County during the 2001-03 biennium if the Town of Clayton contributes funds for the project that at least equal 50% of the costs of the project.

Conference Committee/Legislature: Modify the Joint Finance provision by changing the required Town share of costs from at least 50% of project costs to at least 15% of project costs.

Veto by Governor [B-99]: Delete provision.

[Act 16 Vetoed Section: 9152(4nk)]

43. SPECIFIC INFORMATION SIGN IN KENOSHA COUNTY

Joint Finance: Require DOT, upon application and payment of the applicable fees, to mount business signs for Tenuta's Delicatessen and Liquors, located in the City of Kenosha, on specific information signs at the interchange of I-94 and 52nd Street in Kenosha County, notwithstanding the eligibility criteria for the program. Specific information signs are the blue signs erected on the highway right-of-way indicating the presence of businesses offering gas, food, lodging or camping.

Assembly/Legislature: Modify the Joint Finance provision by specifying that the word "liquor" may not appear on the business signs.

Veto by Governor [B-112]: Delete provision.

[Act 16 Vetoed Section: 9152(6b)]

44. RECONSTRUCTION OF STH 100 IN THE CITY OF OAK CREEK

Senate/Legislature: Require DOT to begin a reconstruction project on STH 100 between STH 32 and STH 38 by June 30, 2003.

Veto by Governor [B-106]: Delete provision.

[Act 16 Vetoed Section: 9152(6bg)]

45. HANSON ROAD BRIDGE IN DANE COUNTY

Senate/Legislature: Require DOT, not later than December 31, 2003, to construct the Hanson Road bridge project in the Town of Burke in Dane County and to reconfigure Portage Road to accommodate such construction.

Veto by Governor [B-106]: Delete provision.

[Act 16 Vetoed Section: 9152(3h)]

46. STILLWATER BRIDGE PROJECT

Assembly/Legislature: Require DOT, not later than April 1, 2002, to develop and submit to the Joint Committee on Finance a proposal specifying the amount of anticipated expenditures to be made by DOT for mitigation in connection with the Stillwater Bridge project across the St. Croix River between Houlton in St. Croix County and Stillwater, Minnesota. Specify that if DOT determines that it will exceed the amount of anticipated expenditures specified in the proposal submitted to the Committee, the Department shall submit a proposal to the Committee for the additional amount of anticipated expenditures for mitigation in connection with the project.

Veto by Governor [B-116]: Delete provision.

[Act 16 Vetoed Section: 2296p]

47. NOISE BARRIERS ALONG I-94 AT GRANGE AVENUE IN THE CITY OF MILWAUKEE

Senate: Require DOT to install a noise attenuation barrier along the west side of I-94 from the intersection of I-94 and Grange Avenue and extending to the south in the City of Milwaukee. Specify that DOT shall expend funds not to exceed \$200,000 from the state highway rehabilitation appropriations to pay for the installation.

Conference Committee/Legislature: Delete provision.

48. NOISE BARRIERS ALONG I-94 AT COLLEGE AVENUE IN THE CITY OF MILWAUKEE

Senate: Require DOT to install a noise attenuation barrier along the east side of I-94 at the ramp providing access for northbound traffic to I-94 from College Avenue in the City of Milwaukee. Require DOT to allocate sufficient funds in the 2001-03 biennium from the state highway rehabilitation appropriations to pay for the installation.

Conference Committee/Legislature: Delete provision.

49. INTERSECTION IMPROVEMENTS AT USH 51 AND RIEDER ROAD IN THE CITY OF MADISON

Senate/Legislature: Require DOT to expend up to \$300,000 in federal hazard elimination funds to make the following intersection improvements during the 2001-03 biennium at the intersection of USH 51 and Rieder Road in the City of Madison, if the project qualifies under federal regulations for the use of those funds: (a) reconstruction of the southbound lanes of USH 51 at Rieder Road to incorporate a divided deceleration and turn lane on USH 51 for southbound traffic turning east on Rieder Road from USH 51 and a divided acceleration lane on USH 51 for traffic traveling west on Rieder Road turning south onto USH 51; and (b) the installation of any traffic control signals necessary to allow traffic traveling west on Rieder Road to turn onto southbound USH 51 without requiring southbound traffic on USH 51 to stop.

Veto by Governor [B-106]: Delete provision.

[Act 16 Vetoed Section: 9152(3e)]

50. STREET LIGHT AT STH 27 AND STH 71 IN MONROE COUNTY

Assembly/Legislature: Require DOT, no later than June 30, 2003, to install a streetlight at the intersection of STH 27 and STH 71 in the Town of Little Falls in Monroe County.

Veto by Governor [B-111]: Delete provision.

[Act 16 Vetoed Section: 9152(6dg)]

51. IMPROVEMENTS TO WEST CAPITOL DRIVE IN THE CITY OF MILWAUKEE

Senate/Legislature: Require DOT, on the effective date of the bill, to allocate \$250,000 from the SEG appropriation for the state highway rehabilitation program for preliminary engineering for and construction, reconstruction, or improvement of highways, transportation facilities or other functionally related or auxiliary facilities or structures associated with the Capitol Court project on West Capitol Drive in the City of Milwaukee and for associated economic development. Specify that if DOT has not expended or encumbered any funds for the project on or before June 30, 2003, the funds allocated for the project shall lapse from the SEG appropriation for the state highway rehabilitation program to the transportation fund.

[Act 16 Section: 9152(4e)]

52. DESIGNATION OF STH 107 AND STH 97 AS LONG TRUCK ROUTES

Senate/Legislature: Specify that the same motor truck length limitations that apply on highways designated by DOT as overlength truck routes under rule apply to STH 107 between STH 64 and Marathon CTH A and STH 97 between STH 29 and STH 64. Specify that the same length limitations apply to the following county trunk highways: (a) Marathon CTH A between STH 97 and Marathon CTH K; (b) Marathon CTH K between the City of Wausau and the north county line; (c) Lincoln CTH K between the south county line and the City of Merrill; (d) Lincoln CTH Q between CTH K and USH 51; and (e) Marathon CTH U between STH 107 and USH 51. Specify that this provision does not apply on the day after DOT has had an opportunity to review the routes and make a determination if the highways shall be designated as an overlength truck route, or on July 1, 2003, whichever is later.

Veto by Governor [B-123]: Delete provision.

[Act 16 Vetoed Section: 9152(5c)]

Motor Vehicles

1. COMPUTER DATABASE REDESIGN [LFB Paper 930]

SEG	\$3,660,900
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Governor: Provide \$3,660,900 in 2001-02 for computer programming and database redesign. These amounts would be used as follows: (a) \$387,200 for data processing necessary to implement a provision of 1997 Act 27 that requires DOT to register automobiles for exactly one year beginning on the day that the vehicle was registered, instead of beginning either on the first day of the month the vehicle is registered or the first day of the following month; (b) \$273,700 for data processing necessary to implement 1999 Act 88, which requires DOT to include a place on vehicle registration and driver's license applications for applicants to request that their personal information not be released in lists of 10 or more records; and (c) \$3,000,000 for the ongoing redesign of the Division's driver and vehicle databases. The bill would place the \$3,000,000 for database redesign in unallotted reserve. DOA indicates that the Governor is requesting that DOT conduct a study of the Department's information technology needs, including an evaluation of DMV's current and future database needs, an implementation timetable for the redesigned database and its projected cost. DOA would release the funding from unallotted reserve after the completion of the study. The study requirements, however, are not contained in the bill.

Joint Finance/Legislature: Shift \$2,000,000, of the \$3,000,000 provided by the bill for computer database redesign, from 2001-02 to 2002-03 and place this amount in unallotted reserve.

Require DOT to study and prepare a report, to be presented to the Joint Committee on Finance, at its fourth quarterly meeting in 2001-02 under s. 13.10 of the statutes (June, 2002), on the Department's computerized information systems and the Department's plan for utilizing departmental data processing resources, including the use of resources for DMV database redesign. Require DOT to consult with the Department of Electronic Government on the preparation of the report and include recommendations concerning the potential benefits of coordinating data processing resource planning among other state agencies. Prohibit the Secretary of the Department of Administration from releasing the \$2,000,000 in DMV's appropriation unless the Joint Committee on Finance approves the report. Specify that the Committee may transfer a portion of these funds to DOT's appropriation for departmental management and operations to be used for a consultant study of the Department's computerized information systems and information technology needs.

Require DOT, by January 2, 2002, and by January 2 biennially thereafter, to submit a report to the Joint Committee on Finance and the appropriate standing committees of the Legislature on the progress of DMV's computer database redesign. Specify that the report shall include the following: (a) an identification of all portions of the database redesign that have been completed and all portions planned for completion within 12 months following the report; (b) an identification of any change in data processing, administrative or other process efficiencies realized from those portions of the database redesign that have been completed, or anticipated from those portions of the database redesign that are planned for completion within 12 months following the report; (c) a timetable for completion of the database redesign, including an identification of all portions of the database redesign that remain to be completed and their projected dates of completion; and (d) any recommended statutory changes or funding levels to facilitate the database redesign or any data processing, administrative or other process efficiencies associated with the database redesign.

Veto by Governor [B-119]: Delete the requirement that DOT submit a report to the Joint Committee on Finance, at its fourth quarterly meeting under s. 13.10 of statutes, on the Department's computerized information systems and the Department's plan for utilizing departmental data processing resources. Under the Act, however, the Department would still be required to conduct a study and prepare the report.

Modify the provision that would have prohibited the DOA Secretary from releasing the \$2,000,000 in DMV's appropriation from unallotted reserve without the Committee's approval and the provision that would have allowed the Committee to transfer a portion of the \$2,000,000 to DOT's appropriation for departmental management and operations to be used for a consultant study such that, instead, the DOA Secretary is allowed to transfer a portion of the \$2,000,000 to the departmental management and operations appropriation for the consultant study.

Delete the provision that would have required DOT to submit a report to the Joint Committee on Finance and the appropriate standing committees of the Legislature on the

progress of DMV's computer database redesign by January 2, 2002, and by January 2 biennially thereafter.

[Act 16 Section: 9152(5z)]

[Act 16 Vetoed Sections: 2340k and 9152(5z)]

2. **AUTOMATED OVERSIZE/OVERWEIGHT PERMIT ISSUANCE SYSTEM** [LFB Paper 931]

	Governor (Chg. to Base)	Jt. Finance /Leg. (Chg. to Gov)	Veto (Chg. to Leg)	Net Change
SEG-REV	\$0	\$301,500	- \$301,500	\$0
SEG	\$2,235,800	\$0	\$0	\$2,235,800

Governor: Provide \$1,082,100 in 2001-02 and \$1,153,700 in 2002-03 for data processing necessary to implement an automated oversize/overweight permit issuance system for commercial motor carriers. Extend the expiration of the current 10% surcharge on oversize and overweight permits (begun with permits applied for after December 31, 1999) from July 1, 2003, to January 1, 2008. The system would use data on construction projects and bridge and pavement condition to automatically select a route for overweight or oversize trucks needing a permit to operate on highways in the state. Funding was initially provided for the system by 1999 Act 9. At that time, DOT estimated that the system would cost \$1.10 million, but the Department now estimates that the amount needed for the system is \$5.77 million. The funding provided by the bill, if maintained in the 2003-05 biennium, would allow the system to be completed in 2004-05. As adopted in Act 9, it was anticipated that surcharge revenue would fund all of the system's costs. Under this provision, surcharge revenue would fund slightly over half of the higher costs.

Joint Finance/Legislature: Increase the surcharge from 10% to 15%, effective with permits issued after December 31, 2001, and extend the expiration of the surcharge to March 1, 2009. This would generate an amount of revenue approximately equal to the estimated cost of the permit issuance system, net of a federal grant and surplus property proceeds used for the project. Increase estimated transportation fund revenue by \$99,600 in 2001-02 and \$201,900 in 2002-03. The following table shows the base permit fee, the current fee (with the 10% surcharge) and the new fee (with the 15% surcharge).

<u>Permit</u>	<u>Base Permit Fee</u>	<u>Current Fee</u>	<u>New Fee</u>
Single-Trip Permits			
Overlength	\$15	\$17	\$17
Overwidth or Overheight	20	22	23
Overwidth and Overheight	25	28	29
Annual and Multiple-Trip Permits			
Overlength	\$60	\$66	\$69
Overwidth and/or Overlength	90	99	104
Overweight--90,000 lbs. or less	200	220	230
Overweight--Over 90,000 lbs. to 100,000 lbs.	350	385	403
Overweight--Over 100,000 lbs.			
Fee, In Addition to the Fee Required for a 100,000 lbs. Permit, for Each 10,000 lbs. or Fraction Thereof Above 100,000 lbs.	\$100	\$110	\$115
Consecutive Month Permits			
Fee in Addition to Prorated Annual Fee for Same Type of Permit*	\$15	\$16.50	\$17.25

*Total permit fee is rounded to the nearest whole dollar.

Veto by Governor [B-124]: Delete the provisions that would have increased the surcharge to 15% and extended the sunset of the surcharge to March 1, 2009. Reduce estimated transportation fund revenue by \$99,600 in 2001-02 and by \$201,900 in 2002-03 to reflect this action.

[Act 16 Vetoes Sections: 3446k thru 3455k and 9452(3k)]

3. **VEHICLE EMISSION INSPECTION AND MAINTENANCE PROGRAM**

FED	\$1,161,000
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Governor/Legislature: Provide \$261,000 in 2001-02 and \$900,000 in 2002-03 for increased costs under the state's enhanced vehicle emission inspection and maintenance program. The program is administered by a private vendor that performs emissions tests on all cars and light trucks in a seven-county area in southeastern Wisconsin. The seven-year contract with the vendor expires on November 30, 2002, but the contract has an extension clause that DOT anticipates will be exercised. The increased costs are due to anticipated higher volumes, an increase in the cost per test required under the current contract, increased costs associated with new testing procedures for certain newer vehicles and anticipated higher costs per test associated with the contract extension. This provision would utilize federal funds received under the congestion mitigation and air quality improvement program.

Eliminate the requirement that motor vehicles subject to emissions inspections be tested not more than 90 days prior to registration renewal in years that they must be inspected.

Instead, require DOT to establish by rule the time period within which such vehicles must be inspected. The Department indicates that the intention is to increase this period to 180 days.

[Act 16 Sections: 2605 and 2606]

4. RECRUIT CLASS TRAINING

SEG	\$1,438,000
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Governor/Legislature: Provide \$599,100 in 2001-02 and \$838,900 in 2002-03 to establish an annual DMV recruit class training program. The funding would be used to train approximately 24 individuals annually to fill vacant, permanent vehicle registration and driver's license processing positions. During the 35-week training, the trainees would fill temporary positions and would spend about 24 weeks of the period working in DMV service centers. In the past, DMV has either reallocated base resources from turnover savings or data processing savings to provide a training class or, alternatively, placed new employees immediately in permanent positions and given no formal training course.

5. POSTAGE INCREASE

SEG	\$817,400
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Governor/Legislature: Provide \$453,200 in 2001-02 and \$364,200 in 2002-03 for increases in postal rates, mailing volume and processing costs.

6. SEVEN-YEAR LICENSE PLATE REPLACEMENT SCHEDULE

SEG	- \$797,700
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Governor/Legislature: Modify provisions that require DOT to design and issue new license plates to replace most types of automobile and light truck plates and plates that are similar in appearance to the regular automobile plate, as follows: (a) require DOT to develop a new design for these plates every seventh year instead of every sixth year; (b) require DOT to issue new plates of a new design to vehicles for which a registration plate has not been issued during the previous seven years, instead of the previous six years, beginning with registrations initially effective on July 1, 2007, instead of those initially effective on July 1, 2005; (c) specify that a provision that permits DOT to issue new plates of a new design (to allow the phased replacement of new plates during the replacement schedule begun in July, 2000) does not apply after June 30, 2007, instead of after June 30, 2005; and (d) require DOT to issue new plates of a new design after July 1, 2007, instead of after July 1, 2005. Due to a gubernatorial veto in the 1999-01 budget, DOT is not required to replace plates by a particular date, although the Department is currently planning to replace plates on a five-year schedule, which would have been required without the veto. This item would establish a seven-year replacement schedule beginning on July 1, 2007, but would not require current plates to be replaced by a particular date until then. DOT intends to extend the current five-year schedule to a seven-year schedule.

Exempt the Green Bay Packers and Ducks Unlimited plates, along with the celebrate children plate, under current law, from the redesign and reissuance requirement until after July 1, 2007.

Reduce funding by \$411,600 in 2001-02 and \$386,100 in 2002-03 to reflect a reduction in the annual number of new replacement plates issued under the seven-year schedule. DOT indicates that an above-base increase of \$356,600 in 2001-02 and \$372,800 in 2002-03 would be required if the five-year replacement schedule is retained.

[Act 16 Sections: 3391 thru 3395]

7. LICENSE PLATE REISSUANCE FOR HEAVY TRUCKS AND TRAILERS

SEG	\$285,000
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Governor/Legislature: Provide \$285,000 in 2002-03 for the reissuance of license plates for heavy trucks (more than 12,000 pounds) and trailers. DOT estimates that approximately 134,100 plates would be replaced. Plates for these vehicle were last reissued in 1992.

8. SPECIAL LICENSE PLATE ISSUANCE FEES [LFB Paper 932]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
SEG-REV	\$569,800	\$10,800	\$580,600

Governor: Increase special license plate issuance and reissuance fees to provide a uniform fee of \$15 for most special license plates, as follows: (a) from \$0 to \$15 for endangered resources and Somalia War veterans plates; (b) from \$5 to \$15 for vehicle collector plates; and (c) from \$10 to \$15 for military group, National Guard, amateur radio and fire fighter/EMT/rescue squad plates and for a second or subsequent set of prisoner of war plates (the first set of prisoner of war plates would continue to have no fee). Specify that the fee for National Guard plates would also apply to the reissuance of those plates (there is currently no fee for reissuance of National Guard plates). Specify that these fee increases would take effect on the first day of the seventh month beginning after the effective date of the bill. Increase estimated transportation fund revenue by \$19,600 in 2001-02 and \$550,200 in 2002-03. Revenues are higher in 2002-03 because DOT is planning to reissue most special license plate types in that year.

Joint Finance/Legislature: Increase estimated transportation fund revenue by \$10,800 in 2002-03 to reflect a reestimate of revenue generated by the fee increase.

[Act 16 Sections: 3396 thru 3406, 3407 and 9452(1)]

9. PRINTING SERVICES POSITION TRANSFER

Funding Positions		
SEG	- \$50,600	- 1.00

Governor/Legislature: Delete \$25,300 and 1.0 position annually to reflect the transfer of a printing services position from the Division of Motor Vehicles to DOA on the effective date of the bill. Specify that the incumbent employee in this position would retain the position and that the employee would have all the rights and the same status under state employment relations provisions that the employee had in DOT immediately prior to the transfer. Specify that the employee would not be required to serve a probationary period if the employee had already achieved permanent status. A separate item would establish a PR position and PR funding for the position in DOA's information technology processing services appropriation. DOT would be charged by DOA for services previously performed by the transferred employee and would have to pay these charges from base funds.

[Act 16 Sections: 9101(11) and 9152(2)]

10. OCCUPATIONAL LICENSE RESTRICTIONS FOR REPEAT OWI OFFENDERS

Governor: Increase to one year the period of time that a person must wait, after a period of license revocation begins, before becoming eligible to receive an occupational license, for persons whose operating privilege is revoked for a second or subsequent operating while intoxicated (OWI) offense. The period increases for specific offenses would be as follows: (a) from 60 days to one year for persons convicted of an offense of operating a motor vehicle while intoxicated and who have one prior OWI offense; (b) from 90 days to one year for persons convicted of an offense of operating a motor vehicle while intoxicated and who have two or more prior OWI offenses; (c) from 90 days to one year for persons whose operating privilege is revoked for an improper refusal to provide a sample of blood, breath or urine for chemical testing upon request of a law enforcement officer and who have one prior OWI offense; (d) from 120 days to one year for persons whose operating privilege is revoked for an improper refusal and who have two or more prior OWI offenses; (e) from 60 days to one year for persons who are convicted of causing injury by the intoxicated use of a vehicle and who have one or more prior OWI offenses; and (f) from 120 days to one year for persons who are convicted of causing great bodily harm or death by the intoxicated use of a vehicle and who have one or more prior OWI offenses. Specify that these provisions would first apply to offenses committed on January 1, 2002, but that this would not preclude the counting of other convictions, suspensions or revocations as prior convictions, suspensions or revocations for the purposes of administrative action by DOT, sentencing by a court or revocation or suspension of motor vehicle operating privileges.

A provision of federal law sanctions states, beginning with federal fiscal year 2001, that do not provide all of four specified penalties for repeat OWI offenders. Wisconsin currently does not comply with two of the four requirements, including a provision that requires the operating privilege of repeat offenders to be suspended or revoked for at least one year with no eligibility to receive an occupational license during that time. While Wisconsin law requires license

revocation for at least one year for a second or subsequent offense, occupational license privileges are granted after between 60 days and 120 days, depending upon the offense. This item, by increasing that time period to one year, would put Wisconsin in compliance with the license revocation provisions of the federal law. Another item (summarized below), relating to vehicle sanctions for repeat OWI offenders, would put Wisconsin in compliance with the other federal provision.

The federal sanction requires states to annually transfer an amount equal to 1.5% of certain highway aid categories from highway construction programs to either the state and community highway safety grant program or the hazard elimination safety program. The percentage of highway construction funds transferred to the safety programs increases to 3% annually, beginning on October 1, 2002 (federal fiscal year 2003). Under the bill, the state would avoid the 3% transfer in 2003, but would still be subject to the 1.5% transfer in 2002, since the law would not be in effect until after October 1, 2001. In federal fiscal year 2001, \$4,898,100 was transferred under the federal sanction provision.

Joint Finance/Legislature: Modify the Governor's provision to specify that the changes to the waiting period required before becoming eligible for an occupational license would apply only if the person has two or more OWI offenses in a five-year period, instead of upon any second or subsequent offense. Current law occupational license waiting periods would continue to apply to offenders who have two or more offenses, but not two or more in a five-year period. Specify that these provisions would first apply to offenses committed on September 30, 2001, instead of January 1, 2002.

These changes, in addition to changes summarized under "Vehicle Sanctions for Repeat OWI Offenders" and "Community Service Requirements in Lieu of Jail for Repeat OWI Offenders" would be necessary to avoid the transfer of federal funds from highway construction programs to safety programs under the federal sanction provisions.

[Act 16 Sections: 3415m, 3416m, 3421m, 3422m, 3424b thru 3427m, 9352(6) and 9452(8)]

11. VEHICLE SANCTIONS FOR REPEAT OWI OFFENDERS

Governor: Require courts, instead of, under current law provisions that take effect on January 1, 2002, permitting them, to order either one of the following vehicle sanctions for persons convicted of a second or subsequent OWI offense, including the offense of improperly refusing to provide a sample of blood, breath or urine for chemical testing: (a) an operating privilege restriction that permits the person to drive only "Class D" vehicles equipped with an ignition interlock device; or (b) the immobilization of each motor vehicle owned by the person. Provide an exception to this requirement if the court orders the seizure of the motor vehicle used in committing the offense, as is allowed under current law for a third or subsequent OWI offense. Prohibit courts from ordering both an ignition interlock device operating privilege restriction and immobilization and specify that courts cannot order a vehicle seizure if the court imposes either of these sanctions. Specify that, if a court orders an ignition interlock device

operating privilege restriction, the period of the restriction would begin one year after the offender's operating privilege revocation began. (A separate item in the bill would disallow a repeat OWI offender from receiving an occupational license until one year after the revocation period for the OWI offense began.) Specify that, if a court orders vehicle immobilization, the period of immobilization would begin on the first day that the offender's operating privilege is revoked for the OWI offense. Specify that these provisions would first apply to offenses committed on January 1, 2002, but that this would not preclude the counting of other convictions, suspensions or revocations as prior convictions, suspensions or revocations for the purposes of administrative action by DOT, sentencing by a court or revocation or suspension of motor vehicle operating privileges.

A provision of federal law sanctions states, beginning with federal fiscal year 2001, that do not provide all of four specified penalties for repeat OWI offenders. Wisconsin currently does not comply with two of the four requirements, including a provision that mandates vehicle sanctions for every repeat offender. This item would bring the state into compliance with that federal requirement and a separate item, related to restrictions on the issuance of occupational licenses, would bring the state into compliance with the other federal requirement. See the preceding summary item, titled "Occupational License Restrictions for Repeat OWI Offenders," for a description of the federal sanction provision.

Joint Finance/Legislature: Modify the Governor's recommendation by requiring courts, if immobilization or seizure is not ordered, to order an ignition interlock device installed on every vehicle titled by the person in addition to the requirement, under the Governor's bill, that an ignition interlock device restriction be placed on the person's operating privilege. Specify that this requirement, in addition to the other vehicle sanction provisions in the Governor's bill, would apply only if the person has two or more OWI offenses in a five-year period, instead of upon any second or subsequent offense. Specify that the period that an ignition interlock device must be installed on all vehicles titled or registered by the person and the period of the ignition interlock device operating privilege restriction or the period of vehicle immobilization shall be for not less than one year nor more than the maximum operating privilege revocation period permitted for the violation, beginning, as under the Governor's bill, one year after the operating privilege revocation period begins in the case of the ignition interlock device or beginning on the day the offender's operating privilege is revoked, in the case of immobilization. Specify that courts may not order the installation of an ignition interlock device or vehicle immobilization if such sanctions would result in undue hardship. Specify that these provisions would first apply to offenses committed on September 30, 2001, instead of January 1, 2002. Change the effective date of the statutory reorganization of procedures related to vehicle sanctions contained in 1999 Act 109 from January 1, 2002, to September 30, 2001.

These changes, in addition to changes summarized under "Occupational License Restrictions for Repeat OWI Offenders" and "Community Service Requirements in Lieu of Jail

for Repeat OWI Offenders" would be necessary to avoid the transfer of federal funds from highway construction programs to safety programs under the federal sanction provisions.

[Act 16 Sections: 3409f, 3409g, 3417m thru 3420t, 3423g thru 3423j, 3443g thru 3443m, 3445f thru 3445m, 3937j thru 3938p, 4060gg thru 4060hy, 9352(7kk) and 9452(9kk)]

12. COMMUNITY SERVICE REQUIREMENTS IN LIEU OF JAIL FOR REPEAT OWI OFFENDERS

Joint Finance/Legislature: Require courts to order a minimum of 30 days of community service if community service is ordered in lieu of imprisonment for a second OWI offense, first applying to offenses committed on September 30, 2001.

This provision, in addition to changes summarized under "Vehicle Sanctions for Repeat OWI Offenders" and "Occupational License Restrictions for Repeat OWI Offenders" would be necessary to avoid the transfer of federal funds from highway construction programs to safety programs under the federal sanction provisions discussed under those items. Under current law, a person who is convicted of a second OWI offense is required to serve at least five days in jail, although three days of community service may be ordered for every day of the jail sentence in lieu of the jail sentence. Consequently, the minimum period of community service is 15 days. The federal sanction provisions, however, require at least 30 days of community service or five days in jail.

[Act 16 Sections: 3443c, 9352(7kk) and 9452(9kk)]

13. SUPPORT OF THE ARTS LICENSE PLATE

Joint Finance: Require DOT to issue special license plates to persons interested in expressing their support of the arts and who register: (a) an automobile or motor home; (b) a truck, dual purpose motor home or dual purpose farm truck that has a gross weight of not more than 8,000 pounds; or (c) a farm truck that has a gross weight of not more than 12,000 pounds. Specify that applicants for the plate, in addition to the fee for vehicle registration or other fees, shall pay a \$15 issuance and reissuance fee, to be deposited in the transportation fund and an annual \$20 fee (or a \$40 fee for vehicles registered on a biennial basis) as long as the plate is maintained. Deposit the first \$196,700 in revenue from the \$20 (or \$40) fee, or an amount equal to DOT's initial costs of producing the plate, whichever is less, in the transportation fund and deposit any remaining revenue into the artistic endowment fund (the creation of which is summarized under the Arts Board). Specify that the \$20 (or \$40) fee shall be deductible as a charitable contribution to the extent permitted under current law.

Require DOT to consult with the Executive Secretary of the Arts Board before specifying the word (or words) or symbol to be used on the arts plate. Create an exception for the arts plate from a provision that prohibits new special group plates from being authorized after

October 1, 1998, except under a procedure whereby groups apply for a special group plate and deposit \$15,500 with an application.

Prohibit DOT, after an initial design for the arts plate is developed, from developing a new design for the plate until January 1, 2007, and exempt the arts plate from plate replacement requirements until July 1, 2007.

Senate/Assembly/Legislature: Delete provision.

14. SUSPENSION OF A JUVENILE'S DRIVER'S LICENSE FOR FAILURE TO PAY A NONDRIVING FORFEITURE

Governor: Authorize courts to suspend the operating privilege of juveniles if they fail to pay a forfeiture that is unrelated to the violator's operation of a vehicle, first applying to forfeitures imposed on the first day of the seventh month beginning after the effective date of the bill.

1999 Act 9 eliminated the authority of courts to suspend operating privileges solely for the failure to pay a forfeiture imposed for the violation of a local ordinance that is unrelated to the violator's operation of a vehicle. This provision would restore that authority with respect to juveniles who do not pay such forfeitures.

Joint Finance: Delete provision as non-fiscal policy.

Assembly/Legislature: Restore provision, but apply it first to forfeitures imposed on October 1, 2001, or the first day of the first month beginning after the effective date of the bill, whichever is later.

[Act 16 Sections: 3878, 3894, 3895, 9352(4k) and 9452(5k)]

15. MOTORCYCLE BRAKE LIGHTS

Assembly/Legislature: Specify that a stop lamp (brake light) on a motorcycle, in addition to a red light, may emit a blue light that is located in the center of the lamp and that comprises less than 10% of the surface area of the lamp. Modify a provision that specifies that the stop lamp on a motor vehicle, mobile home, trailer or semi-trailer must be red or amber to specify, instead, that it must be red.

Veto by Governor [B-121]: Delete provision.

[Act 16 Vetoed Sections: 3445dg and 3445dm]

16. MOTORCYCLE LICENSE PLATE SIZE

Assembly/Legislature: Require DOT to issue license plates for motorcycles that are four inches by seven inches in size and specify that the plates must have black lettering on a white background, beginning after the manufacturer of such motorcycle plates for DOT has depleted the existing stock of sheeting material used to manufacture the plates or on July 1, 2003, whichever occurs first. The current motorcycle plates are four and three-eighths inches by eight and one-eighth inches.

Veto by Governor [B-121]: Delete provision.

[Act 16 Vetoed Sections: 3390yd, 3390yw and 3406p]

17. VETERAN'S MOTORCYCLE LICENSE PLATE

SEG	\$34,600
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Assembly/Legislature: Require DOT, upon application to register a motorcycle by any person who is a resident of this state and a veteran of the U.S. armed forces, to issue to the person a special license plate whose colors and design indicate that the vehicle is owned by a veteran of the U.S. armed forces. Require DOT to specify the design of the plate. Specify that the plate shall be colored red, white and blue and be four inches by seven inches in size. Specify that the issuance and reissuance fee for the plate would be \$15. Specify that DOT may issue personalized veterans license plates composed of numbers or letters, or both, not exceeding five positions and not less than one position. Specify that these provisions would take effect on the first day of the seventh month beginning after the effective date of the bill. Provide \$34,600 in 2001-02 for the Division of Motor Vehicles for the initial data processing costs associated with developing the plate.

[Act 16 Sections: 3406p, 3407b thru 3407d and 9452(1q)]

18. LOW-SPEED VEHICLES

Assembly/Legislature: Create a category of vehicle called a "low-speed vehicle," which means a low-speed vehicle as defined under federal vehicle regulations that satisfies federal equipment standards and was originally manufactured to meet those standards. Specify that a low-speed vehicle does not include a golf cart. Define "golf cart" as a vehicle whose speed attainable in one mile does not exceed 20 miles per hour on a paved, level surface, and is used to convey one or more persons and equipment to play the game of golf in an area designated as a golf course.

Specify that no person may operate a low-speed vehicle upon any highway that has a speed limit of more than 35 miles per hour and that no person may operate a low-speed vehicle upon a state trunk highway or connecting highway except to cross through an intersection where traffic is controlled by an official traffic control device or at locations designated as low-

speed vehicle crossings by a municipality or county. Specify that these restrictions do not apply to vehicles registered by a public entity or vehicles exempted from these restrictions by DOT by rule. Specify that the governing body of any municipality or county may, by ordinance, designate locations for low-speed vehicles to cross a state trunk highway or connecting highway that is not a controlled-access highway and specify that the municipality or county may erect official signs or mark such a crossing only as directed by DOT.

Specify that no person may operate a low-speed vehicle upon any roadway that is under the jurisdiction of a local authority and that has a speed limit of more than 25 miles per hour, but not more than 35 miles per hour, unless the roadway is designated for low-speed vehicle operation by municipal or county ordinance. Specify that the governing body of any municipality or county may, by ordinance, designate any roadway under its jurisdiction having a speed limit of more than 25 miles per hour, but not more than 35 miles per hour, upon which a low-speed vehicle may be operated. Specify that a person may operate a low-speed vehicle upon any roadway that is under the jurisdiction of a local authority and that has a speed limit of 25 or less miles per hour. Specify that any person violating these speed limit and location restrictions for low-speed vehicles may be required to forfeit not less than \$30 nor more than \$300. Add low-speed vehicles to the list of vehicles that may not be operated on any expressway or freeway when official signs have been erected indicating that this is the case and to the list of vehicles which the authority in charge of the maintenance of an expressway or freeway may prohibit from using the expressway or freeway.

Specify that DOT may, by rule, establish special equipment standards for low-speed vehicles that differ from the statutory equipment standards for other vehicles. Specify that such rules must be identical to federal standards established under federal regulations, except that the rules may establish additional equipment standards not required under those federal regulations. Specify that any municipality or county may enact and enforce an ordinance that regulates the equipment of a low-speed vehicle if the ordinance strictly conforms to the equipment standard rules promulgated by DOT. Specify that such an ordinance shall be considered to be in strict conformity and not contrary to or inconsistent with the DOT rules if it incorporates by reference the existing and future amendments of the rules. Specify that DOT must register a specially designed vehicle for operation by a person holding a special restricted operator's license if the vehicle meets the equipment standards established by DOT for low-speed vehicles.

Establish a biennial registration period for low-speed vehicles with a registration fee of \$23, which is identical to the registration period and registration fee for motorcycles. Specify that current law provisions that apply to motorcycles apply to low-speed vehicles in provisions related to the following: (a) the definition of a motor vehicle dealer; (b) bond requirements for motor vehicle dealers; (c) the reporting of vehicle damages by a manufacturer to a dealer; (d) the refund to consumers for a vehicle returned to a manufacturer under warranty; (e) the definition of an automobile for the purpose of general motor vehicle and driver licensing provisions and the definition of a "motor vehicle" for the purpose of commercial motor vehicle regulation provisions (both of which exclude motorcycles and certain other vehicles from the

defined term); (f) the payment of part-period registration fees; (g) the transfer of plates from one vehicle to a different vehicle of the same type under various circumstances; and (h) mechanics liens for repairs or other work done on any detached vehicle accessory, fitting or part.

Add low-speed vehicles to the list of vehicles for which DOT may issue a restricted license for persons who are at least 14 years of age, but not more than 18 years of age, and to the list of vehicles for which DOT may issue a special restricted license.

Exempt low-speed vehicles from emissions inspection requirements and exempt low-speed vehicles from property taxation.

Veto by Governor [B-120]: Delete provision.

[Act 16 Vetoes Sections: 2114c, 2972k, 3020q thru 3020u, 3219L, 3219v, 3390u thru 3390y, 3407e thru 3407v, 3408t, 3408v, 3408y, 3409n, 3409r, 3442d, 3445be thru 3445bp, 3456mg, 3456nm, 3456s and 3816m]

19. REPORTING OF DRIVER'S LICENSE INFORMATION TO THE SELECTIVE SERVICE SYSTEM

Assembly: Require DOT to forward to the Selective Service System, in electronic format, any information on an application for a driver's license, permit or identification card submitted by a male who is at least 18 years of age, but less than 26 years of age, that is requested by the Selective Service System for the purpose of registering the applicant. Specify that this does not apply if the Selective Service System does not register applicants on the basis of information forwarded by DOT. Specify that the application forms for instruction permits, driver's licenses, identification cards and duplicate licenses shall notify the applicant, if the application is made by a male who is at least 18 years of age, but less than 26 years of age, that by submitting the application to the Department, the applicant gives his consent to be registered, if required by federal law, with the Selective Service System and that he authorizes the Department to forward information to the Selective Service System. Create an exception for the disclosure of information to the Selective Service System from a provision that prohibits DOT from disclosing personal identifying information for a person if the person has designated on an application form that he or she does not want his or her personal identifying information to be disclosed. Specify that these provisions first apply to applications submitted to DOT on the first day of the sixth month beginning after the effective date of the bill.

Conference Committee/Legislature: Delete provision.

20. STUDY OF AUTOMATED DRIVER'S LICENSE TESTING

Assembly/Legislature: Require DOT to conduct a study to determine whether to require automated driver's license testing throughout the state and to prepare a report, to be submitted to the Governor and Legislature by June 30, 2003, containing its findings and recommendations.

Veto by Governor [B-119]: Delete provision.

[Act 16 Vetoed Section: 9152(3k)]

21. DUTIES OF MOTORISTS NOT INVOLVED IN AN ACCIDENT WHO CAUSED THE ACCIDENT

Assembly: Specify that the duties that apply to the operator of a vehicle involved in an accident that causes injury to or death of any person or damage to any vehicle (including providing name, address, vehicle registration and driver's license information and rendering reasonable assistance to any person who is injured) also apply to an operator of a vehicle that has not collided with another person or vehicle whenever facts and circumstances provide notice to the operator that his or her operation of the vehicle was a primary cause of an accident resulting in injury to or death of any person or in damage to a vehicle that is driven or attended by any person. Specify that any person found in violation of these requirements would be subject to the following penalties: (a) a fine of not less than \$150 nor more than \$500 or a jail term of not more than three months, or both, if the accident did not involve death or injury to a person; (b) a fine of not less than \$300 nor more than \$2,500 or a jail term of not more than one year, or both, if the accident involved injury to a person, but the person did not suffer great bodily harm; and (c) a fine of not more than \$10,000 or a jail term of not more than one year, or both, if the accident involved injury to a person and the person suffered great bodily harm or if the accident involved the death of a person. Modify the duties of the operator of a vehicle involved in an accident or the operator of a vehicle not involved in an accident, but whose operation of the vehicle was a primary cause of an accident, to specify that the operator must provide the information to any person who is struck or injured as a result of the accident or to the operator or occupant of, or person attending, any vehicle that is damaged as a result of the accident. Specify that these provisions first apply to accidents occurring on the effective date of the bill.

Conference Committee/Legislature: Delete provision.

22. DRIVER'S LICENSE SUSPENSION FOR ABSCONDING WITHOUT PAYING FOR FUEL

Assembly: Prohibit any person from intentionally absconding from a service station, garage or other place where gasoline or diesel fuel is sold at retail or offered for sale at retail, after obtaining gasoline or diesel fuel, without paying for the gasoline or diesel fuel. Specify

that the refusal to pay the established charge for gasoline or diesel fuel provided by the service station, garage or other place constitutes prima facie evidence of an intent to abscond without payment. Specify that a person who is guilty of this prohibition may be subject to a forfeiture of not more than \$200. Require courts to suspend the operating privilege of an offender for not more than six months for a first violation of this prohibition and for one year for a second or subsequent violation.

Specify that any person who incurs injury to his or her business as a result of a violation of this prohibition may bring a civil action against the offender for the retail value of the fuel if the person exercises due diligence in demanding payment for the fuel. Specify that the offender would not be liable under a civil action for the recovery of the retail value of the fuel if he or she pays the amount due prior to the commencement of the action.

Conference Committee/Legislature: Delete provision.

23. WEIGHT LIMITS ON CLASS "B" HIGHWAYS

Assembly/Legislature: Modify a provision that allows any motor vehicle to pick up or deliver on a class "B" highway as long as the gross weight imposed on the highway by the wheels of any one axle does not exceed 16,500 pounds, subject to the approval of local authorities in charge of the highway, to eliminate the 16,500 pound per axle limit and local authority approval requirement and, instead, specify that such vehicles may operate on class "B" highways without complying with the gross vehicle weight limitations imposed for class "B" highways. Clarify that pick up or delivery on a class "B" highway includes the operation of a motor vehicle for the purpose of moving or delivering supplies or commodities to or from any place of business or residence that has an entrance on a class "B" highway. Specify that these provisions would first apply to the operation of a motor vehicle on the effective date of the bill, but would not preclude the counting of other convictions as prior convictions for the purposes of sentencing by a court. Class "B" highways are designated as such by local authorities in order to put into effect lower weight limitations and may not include state or connecting highways.

[Act 16 Sections: 3445p and 9352(8k)]

State Patrol

1. MOTOR CARRIER SAFETY ASSISTANCE PROGRAM

SEG	\$1,916,100
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Governor/Legislature: Provide \$916,100 in 2001-02 and \$1,000,000 in 2002-03 to provide a 20% match for federal funds received for commercial motor carrier enforcement activities. In

past fiscal years, the match for the federal funds was paid primarily from savings generated by high vacancy rates among state troopers and inspectors. However, DOT anticipates that this funding will no longer be available since the number of vacancies is expected to remain low throughout the biennium. This funding would provide the match to both the current level of federal funding and anticipated increases in the 2001-03 biennium. However, the funding would be placed in unallotted reserve and only the amounts necessary to match the amount of federal funds actually received would be released.

2. DIGITAL MICROWAVE COMMUNICATIONS EQUIPMENT

SEG	\$350,700
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Governor/Legislature: Provide \$116,900 in 2001-02 and \$233,800 in 2002-03 to make payments on a seven-year master lease for the purchase of digital microwave communications equipment in the eastern part of the state. Microwave communications equipment is used to send radio signals over long distances in order to link communication towers to State Patrol dispatch centers located in district headquarters. The digital equipment that would be purchased would replace older, analog technology. The full cost of the equipment is \$1,309,100. Funding was provided in the 1999-01 budget for the master lease purchase of digital microwave equipment for the western part of the state.

3. PUBLIC SAFETY RADIO PROGRAM

	Governor (Chg. to Base)	Legislature (Chg. to Gov)	Net Change
SEG	\$138,600	- \$46,000	\$92,600

Governor: Provide \$69,300 annually in the State Patrol's appropriation for making payments to the PR-S appropriation for the public safety radio management program. This amount, when added to the base of \$68,700 in the State Patrol's appropriation for this purpose, would provide a total of \$138,000 annually for making the payment.

In the past, the funding for the PR-S appropriation has been split evenly between DOT and DNR. DOT's share was split between the State Patrol (68%) and the state highway rehabilitation program (32%). According to DOT, an agreement was reached with DNR, based on radio usage, to increase DOT's share to 60% and reduce DNR's share to 40%. The funding provided by this item reflects DOT's higher share and a decision to pay the full amount from the State Patrol's appropriation. Base funding in the state highway rehabilitation program for making the payment would not be deleted by the bill and so could be used for other purposes in that program.

The amount available in the State Patrol's budget for making the payment (\$138,000) and the amount provided to DNR for making this payment (\$92,000, summarized in a separate item under the Department of Natural Resources) totals \$230,000 annually. However, total funding in the bill for the public safety radio management PR-S appropriation is only \$219,300 annually.

DOT indicates that the additional funds were requested to cover anticipated pay plan adjustments and possible supplies and services increases that may be requested during the biennium under s. 16.515.

Assembly/Legislature: Specify that DOT can not pay more than 50% of the costs of the Department's public safety radio program, or \$138,000 per year, whichever is less. Reduce funding by \$23,000 annually in the appropriation for the State Patrol to reflect this decision.

Veto by Governor [B-128]: Delete the provision that would have prohibited DOT from paying more than 50% of the costs of the public safety radio program, or \$138,000 per year, whichever is less.

[Act 16 Vetoed Section: 2321p]

4. FEES FOR STATE PATROL SERVICES

PR	\$175,200
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Governor: Modify a provision that allows DOT to charge an event sponsor a fee for security and traffic enforcement services provided by the State Patrol at any public event for which an admission fee is charged if the event is organized by a private organization, to, instead, allow DOT to charge a fee for any such public event, regardless of whether the event is organized by a private organization. This would allow DOT to charge a fee for an event organized by a public entity. According to DOT, an example of a public entity that may be charged is the University of Wisconsin-Madison for services provided at UW home football games.

Allow DOT to charge any person a fee, in an amount calculated under a uniform method established by rule, for security and traffic enforcement services provided by the State Patrol during that person's installation, inspection, removal, relocation or repair of a utility facility located along a highway if that person requests such services in writing. Specify that the fees collected for such services be deposited in the PR appropriation for providing escort, security and traffic enforcement services.

Specify that these provisions would first apply to security and traffic enforcement services requested or provided on the effective date of the bill. Provide \$87,600 annually to reflect anticipated charges for traffic enforcement services provided at public events and for utility work.

Joint Finance/Legislature: Prohibit DOT from charging any sponsor of Farm Progress Days for any costs incurred by the Department associated with Farm Progress Days. Require DOT to promulgate rules specifying eligibility as a sponsor of Farm Progress Days and determining conditions that must be satisfied to qualify as Farm Progress Days.

Veto by Governor [B-125]: Delete the provision that would have prohibited DOT from charging for costs associated with Farm Progress Days.

[Act 16 Sections: 2338 thru 2339g, 2340 and 9352(3)]

[Act 16 Vetoed Sections: 2339, 2339m and 2340i]

5. DNR PAYMENTS FOR DOT RADIO SERVICES [LFB Paper 935]

Joint Finance/Legislature: Require DNR to make quarterly payments of \$111,450 to DOT for radio services, if DOT provides such services to DNR. The 1999-01 budget required DNR to make payments to DOT for radio services in 1999-00 and 2000-01, to reflect the consolidation of the two departments' radio maintenance facilities under the administration of DOT. However, no ongoing requirement for payments was created. This item would establish an ongoing payment requirement.

Veto by Governor [B-128]: Delete provision.

[Act 16 Vetoed Section: 2321m]

6. RESTRICTION ON THE USE OF PASSIVE ALCOHOL SENSORS

Joint Finance/Legislature: Prohibit law enforcement officers from using a passive alcohol sensor for the purpose of detecting the presence of alcohol in a person's breath unless the person consents to its use. Define a "passive alcohol sensor" as a device that is used to determine the presence of alcohol in the air, but that does not require a person to breathe directly into it through a mouthpiece, tube or similar device. Define a "law enforcement officer" as any person employed by the State of Wisconsin or any political subdivision of Wisconsin for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances he or she is employed to enforce.

Veto by Governor [B-126]: Delete provision.

[Act 16 Vetoed Section: 2882m]

Other Divisions

1. STANDARD BUDGET ADJUSTMENTS

Governor/Legislature: Adjust the base budget for: (a) turnover reduction (-\$3,580,500 SEG annually); (b) removal of noncontinuing elements (-\$183,600 SEG annually and -\$1,000,000 FED in 2001-02 and -\$1,014,100 FED and -0.5 FED position in 2002-03); (c) full funding of continuing position salaries and fringe benefits (\$620,000 SEG, \$418,200 FED and 1.0 FED position, \$33,900 SEG-S and -\$99,700 PR annually); (d) BadgerNet increases (\$58,300 SEG annually); (e) overtime (\$2,962,800 SEG, \$37,000 FED, \$14,800 SEG-S and \$94,900 PR annually); (f) night and weekend salary differentials (\$270,100 SEG, \$5,000 FED and \$300 SEG-S annually); (g) fifth week of vacation as cash (\$159,800 SEG annually); and (h) full funding of lease costs and directed moves (\$20,600 SEG annually).

Funding Positions		
FED	- \$1,093,700	0.50
PR	- 9,600	0.00
SEG	655,000	0.00
SEG-S	98,000	0.00
Total	- \$350,300	0.50

2. ADMINISTRATIVE FACILITY BONDING

SEG-S	\$4,806,500
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Governor/Legislature: Provide \$1,591,900 in 2001-02 and \$3,214,600 in 2002-03 in revenue bond funds for various capital improvement projects involving DOT's administrative facilities. The funding would be used for such projects as the renovation of buildings used by the Divisions of Motor Vehicles, State Patrol and Transportation Districts and the renovation or replacement of communication towers used by the State Patrol. Debt service on administrative facility revenue bonds is deducted from revenue generated by motor vehicle registration fees.

3. RENT AND LEASEHOLD IMPROVEMENTS

SEG	\$364,600
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Governor/Legislature: Provide \$186,200 in 2001-02 and \$178,400 in 2002-03 for facility rent increases and leasehold improvements. These amounts would be used as follows: (a) \$22,500 in 2001-02 and \$68,600 in 2002-03 for the rental of new DMV facilities and rent increases due to leasehold improvements on existing facilities in Antigo, Appleton, Hudson, Minocqua and Tomah; (b) \$9,000 in 2001-02 and \$7,000 in 2002-03 in one-time funding for leasehold improvements at the new DMV facilities; (c) \$26,200 in 2002-03 for the rental of additional space at the Transportation District office in La Crosse; (d) \$9,700 in 2001-02 and \$23,600 in 2002-03 for rent increases at five leased communication tower sites used by the State Patrol; and (e) \$145,000 in 2001-02 and \$53,000 in 2002-03 in one-time funding for the rental of temporary office space while other facilities are renovated.

4. SCHOLARSHIP AND LOAN REPAYMENT INCENTIVE GRANT PROGRAM

SEG	\$84,000
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Governor: Change the name of the minority civil engineer scholarship and loan repayment incentive grant program to the scholarship and loan repayment incentive grant program and provide an increase of \$42,000 annually for the program. Specify that the purpose of the modified program would be to assist in improving the representation of targeted group members within job classifications in which targeted group members are underutilized in the Department, as opposed to, under current law, assisting in improving the representation of minorities among DOT employees who are classified as civil engineers. Define "targeted group member" as a person with disabilities or a person who belongs to a class of race, color or sex whose percent of the workforce within any job classification in the Department is less than that class's percent of the statewide labor market for such job activities. Define "person with a disability" as any person who has a physical or mental disability that constitutes or results in a substantial barrier to employment.

Modify a provision that allows DOT to award scholarships to minority civil engineering students to, instead, allow the Department to award scholarships to targeted group members who are students in a bachelor degree program. The amount of these scholarships would remain at the current law limits of \$1,500 for a sophomore, \$2,000 for a junior and \$2,500 for a senior. Specify that DOT could award scholarships of not more than \$2,000 each to any targeted group member who is registered in his or her second year of full-time enrollment in an associate degree program or vocational diploma program at a technical college in the state. Modify a provision that allows DOT to make loan repayment grants to minority civil engineers who are Department employees to, instead, allow DOT to make such grants to targeted group members who are Department employees.

Base funding for the minority civil engineer scholarship and loan repayment incentive grant program is \$42,000.

Assembly: Delete the \$42,000 annual funding increase.

Conference Committee/Legislature: Include Governor's provision.

[Act 16 Sections: 667 and 2312 thru 2320]

5. TRANSPORTATION PLANNING GRANTS TRANSFER

Governor/Legislature: Transfer \$1,000,000 FED annually from DOT's highway administration and planning appropriation to the departmental management and operations appropriation to reflect a decision to transfer the responsibility for making a transfer of federal highway funds to DOA's transportation planning grants program from DOT's Division of Infrastructure Development to the Division of Investment Management. Modify the statutory language for these appropriations to reflect this decision.

6. TRANSPORTATION INFORMATION CENTER TRANSFER

Governor/Legislature: Transfer \$10,000 SEG and \$245,000 FED annually from DOT's highway administration and planning appropriations to the departmental management and operations appropriations to reflect a decision to transfer the responsibility for funding the Transportation Information Center (TIC) at the UW-Extension from DOT's Division of Infrastructure Development to the Division of Investment Management. The TIC provides technical assistance and produces educational materials for local governments on improving and maintaining roads.

7. POSITION TRANSFERS

Governor/Legislature: Transfer \$189,000 SEG and 4.0 SEG positions annually from DOT's highway administration and planning (for the funding) and clearing account (for the positions) appropriations to the departmental management and operations appropriation. One of these positions would be reclassified from a program assistant (vacant) to a deputy division administrator for the Division of Business Management. The other three would be doing substantially the same duties as they were doing before the conversion, except that they would be funded exclusively with SEG funds instead of a combination of SEG and FED funds. DOA had provisionally approved these position transfers for 2000-01 and DOT funded them in 2000-01 with base resources in the departmental management and operations appropriation.

8. SAFE-RIDE GRANT PROGRAM -- FUNDING MECHANISM [LFB Paper 940]

Governor: Delete the requirement that the Secretary of the Department of Administration must transfer 3.76% of the operating while intoxicated (OWI) driver improvement surcharge revenue deposited in a Department of Health and Family Services (DHFS) clearinghouse appropriation to the DOT appropriation for the safe-ride grant program. Instead, specify that the DOA Secretary may transfer funds to this appropriation after consultation with the DOT Secretary. Specify that the unencumbered balance in the safe-ride grant program appropriation shall be transferred back to the DHFS appropriation on June 30 of each year. Since there is no funding reflected in the Chapter 20 appropriation schedule for the safe-ride grant program, this item would allow the DOA Secretary, in consultation with the DOT Secretary, to determine how much funding is transferred for this program.

Joint Finance/Legislature: Delete provision.

9. VEHICLE EXTRICATION TRAINING GRANT

	Jt. Finance /Leg. (Chg. to Base)	Veto (Chg. to Leg)	Net Change
SEG	\$375,000	- \$375,000	\$0

Joint Finance/Legislature: Provide \$375,000 in 2002-03 in a new, annual appropriation for making extrication training grants. Require DOT to make a grant of \$375,000 in 2002-03 and annually thereafter to a nonprofit corporation that has experience in providing training that meets the standards of the National Fire Protection Association and that prepares trained individuals to teach extrication techniques used for all types of vehicles. Specify that the grant may be used to provide training, acquire extrication equipment or develop extrication curricula. Prohibit DOT from making such a grant unless the recipient first enters into a written agreement with the Department that specifies the conditions for the use of the grant, including the use of any training curriculum developed with the grant proceeds.

Veto by Governor [B-122]: Delete provision.

[Act 16 Vetoes Sections: 395 (as it relates to s. 20.395(5)(ds)), 671h and 2337k]

10. JOINT COMMITTEE ON FINANCE REVIEW OF DOT SAFETY CONTRACTS

Joint Finance/Legislature: Prohibit DOT from entering into a contract relating to alcohol or traffic enforcement activities to be funded in whole or in part with federal transportation safety funds, unless the Department first notifies the Joint Committee on Finance in writing of the proposed contract. Specify that if the Co-chairs do not notify DOT within 14 working days after the date of the Department's notification that the Committee has scheduled a meeting to review the proposed contract, DOT may enter into the proposed contract. Specify that if, within 14 working days after the Department's notification, the Co-chairs notify DOT that the Committee has scheduled a meeting to review the proposed contract, DOT may enter into the contract only upon approval of the Committee. Specify that this provision would first apply to contracts entered into on the general effective date of the bill.

Veto by Governor [B-102]: Delete provision.

[Act 16 Vetoes Sections: 2340t and 9352(3y)]

11. FUNDING FOR PAYMENTS FOR MUNICIPAL SERVICES [LFB Paper 941]

SEG	\$69,400
SEG-Reserve	- 141,900
Total	- \$72,500

Joint Finance/Legislature: Provide \$34,700 SEG annually in the appropriation for departmental management and operations for the payment of payments for municipal services (PMS) assessments and delete \$58,900 SEG-Reserve in 2001-02 and \$83,000

SEG-Reserve in 2002-03 to reflect: (a) a reestimate of the amount of funding needed for PMS assessments under the bill; and (b) a decision to appropriate this amount, rather than place this amount in transportation fund reserves. Base funding in the appropriation for departmental management and operations for PMS assessments is \$182,000 and DOT's assessments during the 2001-03 biennium are estimated at \$216,700 annually.

12. APPROPRIATION REDUCTIONS TO REFLECT PENSION CASE SETTLEMENT

SEG-Lapse \$3,530,800

Senate/Assembly/Legislature: Require DOT to submit a plan to the Joint Committee on Finance for allocating reductions of \$3,530,800 in 2001-02 among the Department's SEG, SEG-S, PR and PR-S appropriations to reflect credits to DOT's appropriations made by the Department of Employee Trust Funds to implement a "premium holiday" provision of 1999 Act 11, less any amount lapsed in 2000-01 as a result of credits made in that year. Specify that the plan shall require that the amount of any proposed reductions from PR, PR-S or SEG-S appropriations lapse to the transportation fund. Specify that the plan shall be submitted to the Joint Committee on Finance within 30 days of the final credits to the Department's appropriations being made by the Department of Employee Trust Funds. Specify that if the Co-chairs do not notify DOT within 14 working days after the date of the submittal that the Committee has scheduled a meeting to review the plan, DOT may implement the plan. Specify that if, within 14 working days after the Department's submittal, the Co-chairs notify DOT that the Committee has scheduled a meeting to review the plan, DOT may not implement the plan until it is approved by the Committee, as submitted or as modified.

Veto by Governor [B-91]: Delete the requirement that the plan be submitted to the Joint Committee on Finance under a 14-day passive review process. In his veto message, the Governor indicates that he is requesting that the plan instead be submitted to the Department of Administration for approval.

[Act 16 Section: 9152(2cd)]

[Act 16 Vetoed Section: 9152(2cd)]

13. ADMINISTRATIVE APPROPRIATION REDUCTION

SEG-Lapse \$1,600,000

Assembly: Require DOT to submit a plan to the Joint Committee on Finance for lapsing \$900,000 annually from the Department's 2001-03 SEG appropriations for departmental management and operations, highway administration and planning, the delivery cost portion of other highway appropriations, the Division of Motor Vehicles and the Division of State Patrol. Specify that the plan shall be submitted to the Joint Committee on Finance as part of the plan for implementing the lapse of "premium holiday" credits. Specify that if the Co-chairs do not notify DOT within 14 working days after the date of the submittal that the Committee has scheduled a meeting to review the plan, DOT may implement the plan. Specify that if, within 14 working

days after the Department's submittal, the Co-chairs notify DOT that the Committee has scheduled a meeting to review the plan, DOT may not implement the plan until it is approved by the Committee, as submitted or as modified.

Increase estimated transportation fund appropriation lapses by \$900,000 annually to reflect this action.

Conference Committee/Legislature: Include the Assembly provision, but specify that the appropriation lapses must equal \$800,000 annually, instead of \$900,000 annually.

Veto by Governor [B-91]: Delete the requirement that the plan be submitted to the Joint Committee on Finance under a 14-day passive review process. In his veto message, the Governor indicates that he is requesting that the plan instead be submitted to the Department of Administration for approval.

[Act 16 Section: 9152(2cd)]

[Act 16 Vetoed Section: 9152(2cd)]

14. MOTORCYCLE RIDER EDUCATION PROGRAM

	Legislature (Chg. to Base)	Veto (Chg. to Leg)	Net Change
SEG	\$812,000	- \$812,000	\$0

Assembly: Provide \$430,000 annually in the appropriation for departmental management and operations for the motorcycle, moped and motor bicycle safety program. The Department currently spends \$549,000 per year in SEG and FED funds for this program.

Conference Committee/Legislature: Include the Assembly provision, but provide \$406,000 annually, instead of \$430,000 annually.

Veto by Governor [B-121]: Delete provision.

[Act 16 Vetoed Section: 395 (as it relates to s. 20.395(4)(aq))]

15. PRETRIAL INTOXICATED DRIVER INTERVENTION GRANT PROGRAM

	Legislature (Chg. to Base)	Veto (Chg. to Leg)	Net Change
PR	\$500,000	- \$500,000	\$0

Senate/Legislature: Create a new, continuing PR appropriation for the pretrial intoxicated driver intervention grant program for the expenditure of \$250,000 annually in

federal funds received by DOT from the Office of Justice Assistance. OJA would be required to make this grant under the act. A separate item, summarized under DOA--Office of Justice Assistance, describes the OJA grant requirement. With this grant, total funding for the pretrial intoxicated driver intervention grant program would be \$1,029,400 annually.

Veto by Governor [D-21]: Delete provision.

[Act 16 Vetoed Sections: 395 (as it relates to s. 20.395(5)(jt)), 672L and 2340q]

16. STATEWIDE TRAUMA CARE SYSTEM

Assembly/Legislature: Require DOT to transfer \$185,000 in 2001-02 and \$500,000 in 2002-03 from the FED appropriation for departmental management and operations to the Department of Health and Family Services for the purposes of the statewide trauma care system. The transferred funding would come from federal traffic safety funds received by the state and administered by DOT. A separate item, summarized under DHFS--Health, describes the use of these funds for the trauma system.

Veto by Governor [C-18]: Delete provision.

[Act 16 Vetoed Sections: 670 and 9152(2t)]

17. LONG-RANGE SURFACE TRANSPORTATION INVESTMENT PLANNING COMMITTEE

Senate/Legislature: Create a Long-Range Surface Transportation Investment Planning Committee with the following duties: (a) gather information relating to state and local needs for surface transportation programs, including state highways, transit, local roads, passenger rail, including commuter rail, and bicycle and pedestrian transportation; (b) involve the participation of relevant groups, including those with interests in all relevant transportation modes, local and state government, the environment, transportation program users, persons with disabilities and private business; (c) assess potential, future long-range funding needs for surface transportation programs up to a 20-year planning horizon or the year 2020; (d) develop a recommended multi-program state surface transportation investment plan, including funding; and (e) prepare a report containing the Committee's evaluation, findings and recommendations. Specify that the Committee must commence meeting not later than 28 days after the effective date of the bill and must report its recommendations to the Governor and Legislature no later than October 15, 2002. Specify that the Department of Transportation and the Legislative Fiscal Bureau shall provide staff assistance to the Committee.

Specify that the membership of the Committee shall include the Governor, or a representative of the Governor and 14 members nominated jointly by the Speaker of the Assembly and the Majority Leader of the Senate and appointed by the Governor, including a

representative each from the Senate and Assembly and members representing the following: (a) the Wisconsin Alliance of Cities; (b) the League of Wisconsin Municipalities; (c) the Wisconsin Towns Association; (g) the Wisconsin Counties Association; (h) the Wisconsin Transportation Builders Association; (i) the Wisconsin Urban and Rural Transit Association; (j) the Citizens for a Better Environment; (k) the American Automobile Association of Wisconsin; (L) the Wisconsin Council of the Blind; (m) the Wisconsin Association of Railroad Passengers; (n) a community proposing a commuter rail initiative; and (o) the Bicycle Federation of Wisconsin. Require members to be nominated and appointed within 20 days after the effective date of the bill. Specify that the members shall select a chair of the Committee at the first meeting.

Veto by Governor [B-105]: Delete provision.

[Act 16 Vetoed Section: 9152(3b)]